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THE CHAIRMAN'S HANDBOOK

REGINALD F. D. PALGRAVE.

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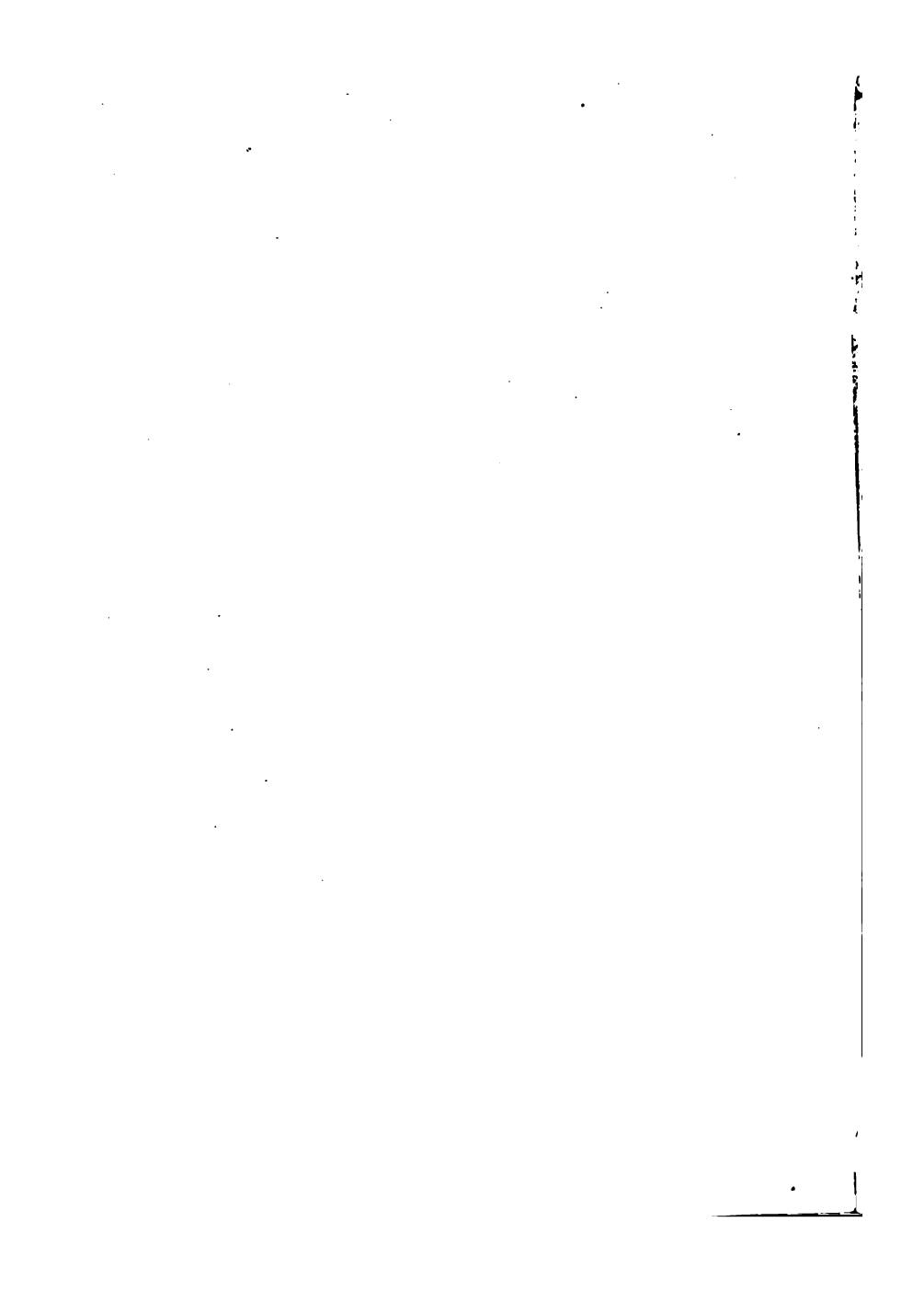
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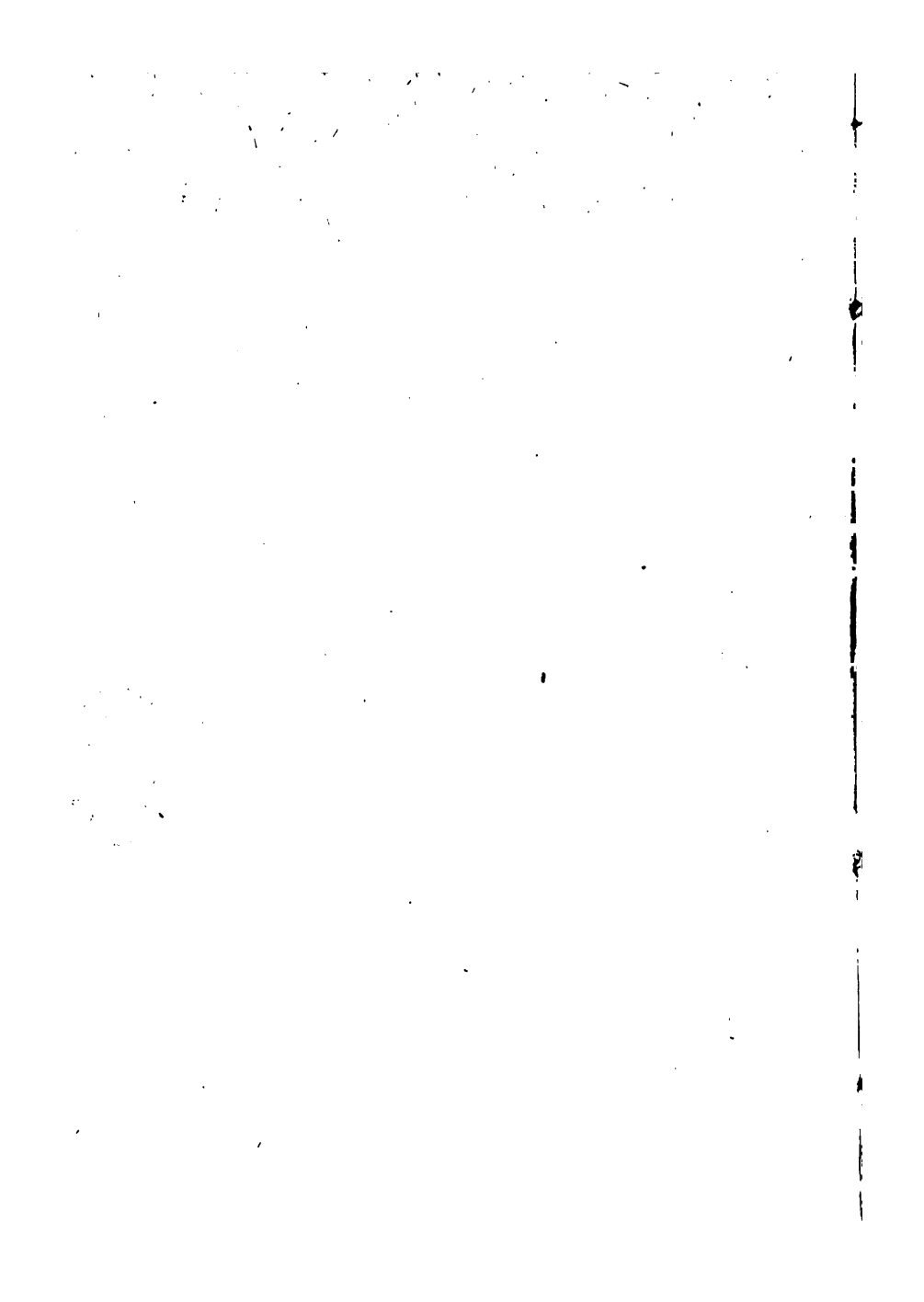
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THE CHAIRMAN'S HANDBOOK.



THE
CHAIRMAN'S HANDBOOK:

SUGGESTIONS AND RULES FOR THE CONDUCT OF CHAIRMEN
OF PUBLIC AND OTHER MEETINGS, BASED UPON THE
PROCEDURE AND PRACTICE OF PARLIAMENT.

WITH AN INTRODUCTORY LETTER

ADDRESSED TO

The Right Honourable the Speaker of the House of Commons,

BY

REGINALD F. D. PALGRAVE,

THE CLERK ASSISTANT OF THE HOUSE OF COMMONS.

FIFTH AND ENLARGED EDITION,

*With Additional Chapters on the Duties of Chairmen of Board and
Shareholders' Meetings, and the Practice of Committees.*

LONDON:

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To the Right Honourable the Speaker,

&c.

&c.

&c.

DEAR MR. SPEAKER,

The permission to preface with a letter addressed to you, an attempt to popularize the business method of that Assembly over which you, with so much distinction preside, is an honour that claims my most grateful recognition. And this act of kindness on your part is the more welcome, as my special object has been the assistance of CHAIRMEN who, in discharging their duties, seek to act in imitation of the SPEAKER of the HOUSE of COMMONS.

Following the line thus indicated, I have endeavoured to show how, according to parliamentary usage, a CHAIRMAN is chosen, discussion guided, and motions put to the vote. And Rules of Procedure are added, based on SIR T. ERSKINE MAY'S "Treatise on Parliamentary Practice;" an acknowledgment, indeed, which applies to the whole of this publication.

As the sound usage under which the HOUSE of COMMONS regulates deliberation is the result of English common-sense acting with precision and uniformity for at least three centuries, it may be presumed that this usage is so in harmony with our national cast of thought, that any explanation of its merits is almost unnecessary.

This statement, however, cannot be made wholly without reserve. The practice of the HOUSE of COMMONS is, in one respect, somewhat misunderstood. When an amendment has been proposed, CHAIRMEN generally give priority to the amendment over the motion against which it is moved; and they do so under a belief that

this method accords with the procedure adopted by the SPEAKER.

In this they are mistaken. Nor is the distinction which exists between the parliamentary and the popular treatment of an amendment merely a technical distinction; it involves an essential principle.

When two propositions are submitted for deliberation, first a motion, and then an amendment offered as an alternative to that motion, to obtain a fair and straightforward debate the following conditions must be observed. If two propositions are submitted for discussion, it is, in the first place, essential that their consideration should be conducted, as far as possible, on equal terms; and, secondly, it is essential that discussion should be limited to the question proposed from the chair. But how far are these conditions observed, if precedence be given to an amendment over the motion on which it is moved? One of two results must ensue; if the debate be kept with strict precision to the proposition so put forward, namely, the amendment, the supporters of the motion should not be heard, until the amendment is disposed of. If, however, argument in favour of the motion be permitted, then debate strays away from the subject immediately in hand. Even under the fairest conditions of debate, the popular method withholds from the advocates of a motion their due position. They were foremost in the field of discussion, but they come last; nay, their proposition may never be submitted to any decision at all; for as the amendment is the first to be considered, it commands the chief attention and the primary vote of the debaters.

These consequences must arise under a usage which

places a motion and an amendment in direct antagonism. This conflict is averted by parliamentary practice. The formula used by the SPEAKER—"that the words proposed to be left out stand part of the question"—is framed for that express object: it offers an alternative choice between both motion and amendment, and withholds them from the vote until the HOUSE has resolved which subject it will, in the first instance, consider.

PARLIAMENT in its procedure obeys that common-sense instinct which dictates that it is essential, when two propositions are offered for discussion, to know first of all which proposition shall be discussed. Nor is it till that point is settled, that the HOUSE proceeds to bring the matter to a final conclusion.

To our ears, if I may so far identify myself with the HOUSE OF COMMONS, the purport of the phrase, "that the words proposed to be left out stand part of the question," is immediately apparent. This may hardly be expected of those to whom that formula is not habitual. And yet, perhaps when the motive of that phrase is appreciated, attention may be given to the principle it enunciates, as the systematic discussion of motions and amendments cannot be obtained, save under the method put in operation by the usage of PARLIAMENT.

With much sincerity, the readers of this little work are begged to regard it with the same kindly consideration which it has received from the SPEAKER. Gladly as I would deem that these illustrations of parliamentary procedure are capable of immediate or general enforcement, that hope cannot be expressed without some hesitation. A system may be simple in operation, though it may not be a simple matter to

describe; though its effectiveness is certain, still that certainty may not be perceivable without the aid of experience.

If, however, an explanation of the business method of the HOUSE OF COMMONS be the sole result of these pages, they will not be useless. According to that eminent authority of whom mention has been made, "the confusion which must arise from any irregularity in the mode of putting amendments, is often exemplified at public meetings, where fixed principles and rules are not observed; and it would be well for persons in the habit of presiding at meetings of any description to make themselves familiar with the rules of Parliament in regard to questions and amendments; which have been tested by long experience, and are found as simple and efficient in practice, as they are logical in principle."

It is, in conclusion, my pleasant duty to acknowledge the help I have received from those MEMBERS of PARLIAMENT who have given their kind attention to this publication. Their large experience in Parliamentary and Local Administration enabled them to make suggestions of great utility; and my hearty thanks are but a slight return for the trouble they have taken,—a favour of the highest value, conferred with the utmost good-will.

I have the honour to be,

Dear MR. SPEAKER,

Yours most faithfully,

REGINALD F. D. PALGRAVE.

SPEAKER'S COURT,

PALACE OF WESTMINSTER,

May 3rd, 1877.

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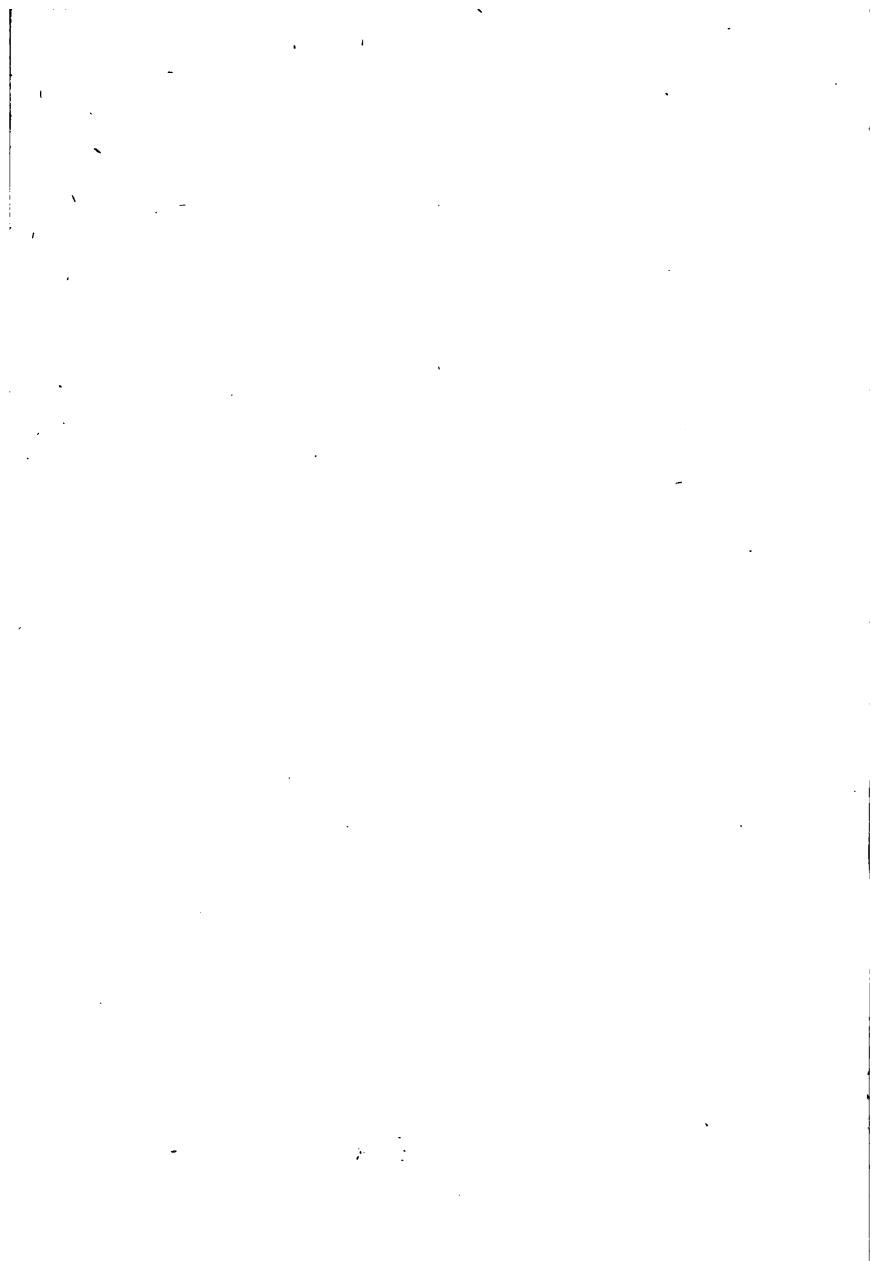
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NOTE TO THE FIFTH EDITION.

THIS note, as on previous occasions, is addressed as an acknowledgment to those who have, in various ways, afforded to the author of *THE CHAIRMAN'S HANDBOOK* their well-advised and most obliging co-operation.

This book seeks to meet a variety of exigencies, and it could not, therefore, reach even a measure of success without the aid of varied information. But for help, thankfully acknowledged in the preface, the writer would hardly have ventured on the attempt at all; and the same acknowledgment is due towards assistance that has attended the whole course of this publication.

Among the features peculiar to this edition are highly valuable suggestions supplied by Mr. James Howard, M.P., from his large experience of Public Meetings, most kindly offered, and most thankfully accepted. A chapter has been added devoted more especially to Chairmen called to preside, not over discussion merely, but over discussion accompanied by the transaction of prescribed business; and it may be hoped that a comparison between Debate conducted according to ordinary practice, and Debate, subjected to the special

regulations which govern the procedure of Board and Shareholders' Meetings, will be found of general utility.

This edition, also, contains a chapter affording a full explanation of Committee procedure, based on the practice of the House of Commons. As on a previous occasion, Mr. Croad's obliging contributions, drawn from the practice and the Rules of the School Board for London, form an important addition to our Handbook. Nor can the information derived from Mr. Francis B. Palmer's "*Manual of the Every-day Law and Practice of Public Companies*," and his most able advice, be passed by without our hearty recognition.

19th April, 1883.

THE CHAIRMAN'S HANDBOOK.

CHAPTER I.

THE ELECTION OF A CHAIRMAN.

A CHAIRMAN may, by the unanimous call of those present, be summoned with acclamation to the Chair. If this does not take place, if difference of opinion prevails regarding the selection of a Chairman, a Member of the Meeting who, not being prepared to undertake that office, holds an influential or official position, should be requested to act as president during the election to the Chair.

Such a president acts as Chairman for that occasion; he names those who rise to address the Meeting, and they direct their speeches to him. His immediate duty is to keep discussion to the matter in hand, namely, the choice of a Chairman; and to secure, Rule 1. Chair to be addressed standing. this object he will direct the Member who receives his call to speak, to bring that Question before the Meeting by a Motion naming a Chairman selected from among those present. This Motion would be, "That Mr. A. do take the Chair;" and when that Motion has been

duly seconded (*see p. 41*), it becomes the direct subject for discussion.

It may happen that no other name is suggested for the approval of the Meeting. In that case, when the Motion, "That Mr. A. do take the Chair," has been fully discussed, the President puts that Question to the Vote of the Meeting, given either by the Voice, or Show of hands (*see p. 46*).

Supposing, however, that the Meeting desires to consider several names, selected from among those present, as candidates for the Chair; the election of a Chairman is, in that case, obtained by submitting the name of each candidate to the decision of the Meeting, taking the order in which their names were proposed for consideration.

Accordingly, when the Motion has been made and seconded, "That Mr. A. do take the Chair," and those in favour of Mr. A. are heard, the proposers of the other candidates will rise and move and second, "That Mr. B. (or Mr. C.) do take the Chair;" and they and their respective supporters are heard in behalf of each successive Motion. When no other name is thus submitted to the choice of the Meeting, the Debate is closed.

The president then, in accordance with the parliamentary method, puts to the Vote the Motion which had been first proposed and seconded. He therefore rises and announces that "The Question is, 'That Mr. A. do take the Chair;'" and if that Question is

agreed to, the Meeting accepts "Mr. A." as Chairman. But if that Question be negatived, the president will at once put to the Vote the other proposed names in the order in which they were moved, namely, "That Mr. B. (or Mr. C.) do take the Chair," until the Vote of the Majority decides the election to the Chair.

Another result is within the range of possibility. The voters may by each successive decision put a negative upon every candidate for the Chair. Embarrassment must attend such a conflict of opinion : a settlement of the dispute is, however, attainable if the Meeting consents to accept as Chairman, the candidate who, having received the highest number of "Ayes," might therefore claim to have received the largest measure of approbation.

No attempt to avert the choice of a Chairman by Motions for Adjournment, of Amendment, or the "Previous Question," should be permitted. (*See also Notes on Procedure, p. 95.*)

CHAPTER II.

THE RESPONSIBILITY AND AUTHORITY OF CHAIRMEN IN GENERAL.

THE immediate duty charged upon a Chairman at the commencement of the business for which the Meeting is called, is to decide who is the Member thereof that is entitled to be the first to speak: the first to rise from his place for that purpose being the Member so entitled. The Chairman, therefore, when placed in the Chair, observes those who sit around, and makes a distinct announcement of that Member's name, so

Rule 2. Chair- as to indicate with certainty who it is
man's call to that has received the Chairman's call to
speak. speak.

Experience, however, proves, that it is inexpedient to leave that right wholly to the Chairman's discretion. Several persons, perhaps, may arise simultaneously to address the Meeting; and a general impression may ensue that preference should be shown to one amongst them, who has not received the Chairman's call. Even though the House of Commons, acting upon long and established usage, systematically defers to the Speaker's authority, still the House has reserved to itself the power of determining who it is that shall be heard.

In accordance, therefore, with parliamentary usage, such a difference of opinion between a Meeting and their Chairman may be met by a Motion, Rule 3. Motion "That Mr. Z. be now heard;" and, if that a Member duly seconded, that Motion must be be now heard. submitted by the Chairman to the Vote. This proceeding is, however, inexpedient, as deference to the Chair is a principle which should, if possible, be invariably observed.

The primary responsibility of a Chairman is the maintenance of Order, a responsibility which arises so soon as he takes the Chair. Purposeless talk is obviously a disorderly proceeding; he must, therefore, permit no discussion unless it bears upon a definite subject, submitted as a distinct Motion for Rule 5. No deliberation by the Meeting; and, with Speech save to no less firmness, he must insist that a Question. Debate be strictly directed to that Motion. Nor must he permit a Member to speak, who rises when the Mover of a Motion or Amendment resumes his seat, unless such Member declares that he rises to second the Motion or Amendment. A Chairman should also be empowered to insist that every speech is addressed to him as Chairman, and be spoken standing. Reference to persons by name should be avoided; a usage which may be observed in spirit, on occasions when it cannot be enforced by precise rule.

The use of decorous and temperate language Chairmen are, by their office, entitled to require; and

every expression of opinion from the Chair is

Rule 23. always to be heard without interruption,
Authority of and should, as a rule, be accepted with-
Chairman. out dispute. Chairmen, however, may

be reminded that it rests solely in their discretion whether or no they bring words or conduct, presumably objectionable, under reprehension from the Meeting. Nor, if appealed to on a matter of Order, should

Rule 11. Chairmen disregard the Rule that such
Matter of order appeals must be made without delay ;
arising. this rule being designed not only for their own protection, but also to prevent undue interruption.

A difficulty of frequent occurrence which besets a Chairman, is the enforcement of the Rule

Rules 7. No which prohibits more than one speech
second speech. upon a Motion under discussion. And

if the occasion provokes much difference of opinion or frequent explanation, the strict observance of that Rule

8. Explanation may become almost an impossibility.
allowed.

9. Right of re- It is, accordingly, desirable to provide
ply.

for this state of things by a systematic method of procedure ; and a Motion, "That until the close of the Meeting, Rule 7, forbidding a second speech, be suspended," would answer this purpose ; or a Resolution, "That the Meeting do now resolve itself into a Committee," might be adopted to indicate that the right of Debate was, for the occasion, unrestricted.

These remarks have, hitherto, been based on the assumption, that those over whom a Chairman presides are disposed to pay due respect to him, and to themselves. He may, however, perceive, from the conduct of some before him, that they are resolved to interrupt the Meeting by rude and violent behaviour.

The safest and most practicable mode of repressing such conduct appears to be the investment of the Chairman with the absolute power of causing an immediate adjournment of the Meeting. For this purpose a provision to that effect Rule 22. Adjournment by Chairman. has been placed among the Rules of Procedure; and it may be hoped, that

by unhesitating submission to this Rule that prompt and united support, which it is the right of the Chair to claim on all occasions, will be rendered when Chairmen are exposed to such an emergency as extreme disorder.

The governing principle of Chairmanship is strict impartiality: the ordinary functions of a Chairman are essentially ministerial. A Chairman, therefore, if he rises to address a Meeting, does not speak as a Member of the Meeting: his words are kept to the explanation of his conduct, or of his opinion as the Chairman. Nor should he attempt to sway the deliberation or the decision of those over whom he presides. If a Motion or Amendment be in Order, and has been duly proposed and seconded, the Motion

or Amendment must be, at once, proposed from the Chair. To this rule there is no exception. A Chairman has no option in this matter, even though the Motion be directly hostile to the whole purpose for which the Meeting was convened, or that he should leave the Chair. Nor if an Amendment be duly moved, can a Chairman decline to put the Question thereon, though he may be aware that the Amendment will thwart the intention of some of those around him.

Upon the appeal of those over whom he presides, the usage that a Chairman should never address a Meeting, save as Chairman, may occasionally, and with advantage, be set aside. Nor can he be deemed out of Order, if, according to usage, he proposes or seconds Motions of a formal character and certain by their nature to receive a general consent. Among Local Boards, and Boards of Public Companies, it is undoubtedly customary to put their ablest man in the Chair, and to entrust him with the chief conduct of business, and the advocacy of measures that he may have prepared. Experience seems to prove that this practice works well. Still, the antagonistic responsibilities that attach to the leader of a Debate, and to the Chairman who controls the debaters, cannot be united without risk; and this arrangement is wholly out of place in a large assembly called for public purposes. And as it is of paramount importance to maintain with utmost strictness the absolute

neutrality of the Chair, the limitation of the Chairman to a single Vote, given only when an equality of Votes takes place, has been embodied in Rule 21, although, as is shown on p. 12, a contrary usage is sanctioned by Legislation.

The consideration of the duties cast upon a Chairman is continued in the next chapter, and remarks on the form of Minutes of Proceedings, the record of Protests, &c., will be found among the Notes on Procedure, p. 95.

CHAPTER III.

THE RESPONSIBILITY AND AUTHORITY OF CHAIRMEN OF BOARD AND SHAREHOLDERS' MEETINGS.

INTRODUCTION.—The conditions that affect a Meeting designed to elicit public opinion upon an exceptional occasion, must differ from the exigencies of a Meeting that meets habitually for the management of Local Affairs, or for the promotion of Commercial Enterprise.

A review, accordingly, has been added to this Handbook of the special duties which befall the Chairmen of Municipal Councils, Local Boards, and Public Companies, and of the obligations entailed on them, whilst they occupy the Chair, by the Statutory, or self-imposed Regulations, under which they are bound to act.

Our consideration of this subject is limited to an inquiry into the general principles which regulate the conduct of Meetings held for Administrative or Commercial affairs. A detailed explanation of the exceptional requirements imposed by Law on such Meetings is beyond the limits of this publication, owing to the variety of obligations caused by the nature of the business they are called upon to transact. Our intention is to form a comparison between the

course necessitated by those legal requirements, and that customary method of discussion which forms what may be termed the Common Law of Debate. Such a comparison will be found neither unuseful or uninteresting. Instruction, also, may be drawn by Chairmen in general, from the provisions devised by Legislation regarding the conduct of deliberation.

THE CHAIRMAN.—Chairmen of an organised deliberative Association are not chosen for a single occasion; they are designated for that post either by Statute, or by custom, as holders of an official position such as the Mayor of a Municipal Borough, or the Minister of the Parish at a Vestry; or they are chosen by the Body over whom they are to preside, being appointed for a year of office, in the case of Local Boards, or for three years by School Boards, or, in the case of a Board of Directors, for a period defined by the Articles of Association. A Chairman, in all cases, must be a Member of the Body over whom he is to preside, except the Chairman of the School Board for London, although if elected, not being a Member of the Board, he becomes by virtue of his office a Member thereof.

ABSENCE OF APPOINTED CHAIRMAN.—The absence of the appointed Chairman cannot withhold a Meeting from the transaction of the business for which it has been convened. The Meeting, save in case of express provision to the contrary, as a matter of course, proceeds to the election of one of its Members as

Chairman. Nor is any time-limit usually placed on the exercise of this power when a Meeting, composed of a definite number of Members is duly assembled. If the appointed Chairman be not present at the hour fixed for the Meeting, the election of his substitute may be effected at once, as is provided by the Statutory rules for the conduct of Local and School Boards, and Boards of Directors; and unless otherwise ordered, he retains the Chair during that sitting, although the appointed Chairman may subsequently join the Meeting. The moment to be taken for the election of an occasional Chairman may accordingly be left to the discretion of the Meeting.

It is undesirable, however, that a Meeting, where attendance is large, and the occasion of special importance, should be called upon forthwith to fill up the vacancy caused by the absence of an appointed Chairman; and the Rule prescribed by the Companies Act, 1862, to meet such an emergency, might generally be followed. This Rule enacts that if there is no regular Chairman of a Shareholders' Meeting, or "if he is not present within fifteen minutes after the time appointed for holding the Meeting, the Members present shall choose some one of their number to be Chairman."

VOTE OF CHAIRMAN.—By common right the Chairman of a Meeting has, if the number of Votes is equal, no casting Vote. The House of Lords, in

this respect, follows "ancient rule," and the "non-content" Lords "have it," in case of an equality of Votes. In the House of Commons, if the numbers should happen to be equal, the Speaker, (and in Committee, the Chairman of Ways and Means), who otherwise never votes, must give the Casting Voice. A third mode of solving this difficulty is established by the Legislature. A Chairman of Municipal Councils, Local and School Boards, Vestries, and of Board or General Meetings of Companies is empowered to give, in the first instance, his Vote as a Member, and then, as Chairman, a Second or Casting Vote, in case of an equality of Votes. But when a Chairman votes as a Member, he should give that Vote before declaring the number of Voters for and against the Motion.

THE QUORUM OF A MEETING.—As regards the Quorum essential for the holding of a Meeting, the Law presumes that when an assembly of persons, duly summoned, and indefinite in number, such as the Meeting of an ordinary parish Vestry, meets together, in the absence of special provision, any number present at the time and in the place appointed for the Meeting, forms the Quorum of that Assembly, competent for the transaction of the business for which they were convened. In the case of a Vestry, even two Members thereof have acted in behalf of their Parish, though, if the two disagreed, there must be an Adjournment of the Vestry. It has

been held, however, that when but one shareholder responded to the call for a General Meeting of his Company, his presence did not constitute a Meeting.

A deliberative body, of a prescribed number, must of necessity fix a Quorum capable of acting in its behalf, as, without such a provision, the transaction of business would be impossible if a single Member was absent. The action of Legislation or Usage on this point is as follows. Meetings of Municipal Councils, and Local Boards, cannot act unless one-third part of the whole Council, or Board, be present; subject to this qualification, that in no case shall a larger Quorum than Seven Members be required. Three is the Statutory Quorum of School Boards in general, whilst, pursuant to the same authority, the School Board for London is capacitated if Nine, of a body of Fifty-Three Members, meet together. According to the practice of the House of Commons Five is the established Quorum of a Select Committee, usually Fifteen in number; and Twenty is the Quorum of the Standing Committees, formed of not less than Sixty, nor more than Eighty Members.

In the case of Company Board Meetings, if no number be prescribed, the number of Directors who usually attend, is taken as the definition of the appointed Quorum. Security for regular attendance, combined with a due representation of the whole body, are the objects to be sought for in the appointment of a Quorum. No Quorum should be less than

Three, even of a Board composed of only Four or Five Members.

To illustrate the mode of providing a Quorum for a Meeting, indefinite in number, that deals with the proprietary rights of an Association, we have extracted the Rule thereon contained in the Companies Act, 1862, which provides that—

“No Business shall be transacted at any General Meeting,.... unless a Quorum of Members is present at the Time when the Meeting proceeds to Business; and such Quorum shall be ascertained as follows; that is to say, if the Persons who have taken Shares in the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten, there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Twenty.”

By their Articles of Association, however, Companies generally define the number of Shareholders whose presence shall be held essential for the holding of Ordinary, or Extraordinary General Meetings.

THE PRESENCE OF A QUORUM.—A time-limit should be fixed, either by Usage or Regulation, within which the Quorum of a Meeting must assemble. Examples may be given of provisions to this effect. Fifteen Minutes is the interval of time given for the assembly of the Quorum of the School Board

for London, and Thirty Minutes by the Metropolitan Board of Works. To Meetings of a larger number, and called, either for a special purpose, or as one of a series of Meetings, the following provision, extracted from the Companies Act, 1862, might, in the absence of other Regulations, be deemed applicable.

“If within One Hour from the Time appointed for the Meeting a Quorum is not present, the Meeting, if convened upon the Requisition of Members, shall be dissolved: In any other Case it shall stand adjourned to the same Day in the next Week, at the same Time and Place; and if at such adjourned Meeting a Quorum is not present, it shall be adjourned *sine die*.”

Though, in the case of such Adjourned Meeting, the dissolution thereof by the absence of an exact Quorum may be prevented by a declaration that the Members present shall be a Quorum to transact the business for which the Meeting was called, if this procedure be authorized by a Regulation to that effect.

The maintenance of a Quorum during the holding of a Meeting, in the first instance, devolves upon the Chairman; he is bound to ascertain that the due Quorum is present, before he permits the Meeting to proceed to business; but custom, after the sitting has commenced, lays that duty on the Members of the Meeting at large. This is the practice of the House of Commons itself; though for Select

Committees the House adopts a stricter method. The Clerk of the Committee is specially charged, whenever a Quorum is not present, to bring that fact under the attention of the Chairman, "who is thereupon to suspend the Proceedings of the Committee, until a Quorum be present, or to adjourn the Committee to some future day." This Regulation might be generally adopted, coupled with the limitation provided by the School Board for London, which sanctions an interval of Five Minutes, as a period of grace for the possible reassembly of a Quorum, before its non-presence is officially declared. One hour's suspension, before it can adjourn, is inflicted on a Quorum-less Private Bill Committee of the House of Commons; and also in the case of a Board of Guardians.

ORDER OF BUSINESS.—The order in which business is transacted is subject to Usage or Regulation. The first step is the reading aloud by the Chairman of the Notice convening the Meeting, or, by the Secretary, of the Minutes of the previous Meeting, for the purpose of their confirmation.

Then follows the dispatch of the appointed business, according to the order set forth by the convening Notice, or by the Agenda Paper of the Meeting: and that prescribed order should not be varied, save with the unanimous consent of all present, and the full concurrence of the Chairman.

CONFIRMATION OF MINUTES.—The confirmation of Minutes is, it must be remembered, a formal

proceeding designed solely for the verification of the record. No discussion can accordingly be raised thereon regarding the policy enforced by the Minutes; far less can general Debate be allowed. Nor can any Amendment be moved to that Motion.

If it be resolved that the Minutes be confirmed, the Chairman's signature thereto is not an essential act; his signature is only requisite when Minutes of Proceedings are, under Statute, thereby rendered evidence before a Court of Law. The accuracy of a record of past transactions being the object of this proceeding, the establishment of a practice would be desirable, requiring that a certain proportion of those called upon to confirm Minutes should have been present at the Meeting, to which those Minutes relate. The only approach towards an enforcement of this principle, was made by a provision in section 98 of the Companies Clauses Consolidation Act, 1845, which prescribed that the signature confirming Minutes must be that of a person who had actually officiated as Chairman at the Meeting in question.

The tendency of legislation lies in a contrary direction. The Statutes regulating Municipal Councils, Local Boards, and Public Companies uniformly authorise the Chairman of the ensuing Meeting to sign the Minutes of a previous Meeting, and make no provision that either he, or any other Member then present, should have been a party to the transactions recorded by those Minutes.

Material assistance in this proceeding is afforded to Chairmen by the adoption of the following precaution, the recommendation of a most competent adviser, namely, that the original papers which formed the basis of the Minutes should always be at hand when the verification of Minutes is undertaken, as forming an indisputable test of their accuracy. Another mode of attaining this result is a Rule that, at the close of each sitting, the Minutes thereof should be read over and confirmed, and that this proceeding should take place before the Meeting separated. And it is worth noticing that this sound usage, at one time, received legislative sanction ; as by the Municipal Corporations Act, 1835, it was prescribed that the Minutes of each Council should be "signed by the Chairman at such Meeting." This provision, however, has been repealed, proving it may be deemed intolerable.

The verification of Minutes, it is needless to suggest, would be avoided if, according to the parliamentary system, the record of each sitting was issued without delay, under the authority of the presiding officer. If printed forms were prepared, to be filled up as occasion required, a prompt and methodical issue of the Minutes might be obtained. And verbal inaccuracies might be corrected under direction from the Chairman of the next Meeting, if his attention be called thereto, either at the commencement or the close of the sitting.

Every proceeding that claims to be solely of a

formal character should, if possible, be avoided. However strictly the formality of the act may be maintained, the vitality inherent to every definite transaction cannot be kept wholly out of sight, and must at times occasion difficulty. This consideration receives importance from a usage, in vogue at Company Board Meetings, of permitting a Director, after the Minutes have been signed, to move a Resolution impeaching the policy contained in those Minutes, or to rescind the Resolutions therein contained.

This Motion, it will be observed, may be made without Notice, forming an unexpected interruption to regular business. Nor is it justified by the fact that, as in the case of a Report, the document in question is offered for adoption by the Meeting. On the other hand, it may be urged that, in most Companies, the Notice convening a Board Meeting does not specify the business to be transacted at that Meeting. The Board meets and transacts any business which may justly claim its attention. Accordingly it is open to a Director, unless restrained by Regulation, to move, as soon as the Minutes have been approved, to reconsider matters transacted at the last Meeting.

A difficulty of a different kind has also arisen out of the proceeding we are considering. As it occasionally happens, an Annual General Meeting is held of an Institution, which appoints the officers, and working Committee for the ensuing year, and doubts have been felt whether that Committee could

verify the Minutes of the Annual General Meeting. Undoubtedly, as a rule, it is beyond the scope of a delegated authority, such as a Committee, to touch the transactions of the Body which appointed it. Still, as the confirmation of Minutes is a formal act, essential to the existence of the Institution, such a proceeding might be deemed within the capacity of the Committee: though it is preferable that this power should be conferred by Regulation.

MOTIONS MADE WITHOUT NOTICE.—Due Notice must be given of the terms of every Motion submitted to the House of Commons. The sole exceptions to this rule are matters of Privilege, or Motions, relating to Business before the House, such as the postponement or discharge of an Order of the Day, or for the Adjournment of the House, or of a Debate; or the Motion known as the Previous Question. And Privileged Motions are restricted to occasions when, upon the earliest possible opportunity, a matter is brought forward which directly concerns the well-being of the House, and calls for its present interposition. Amendments also may be moved without Notice, the sole exception occurring in the nomination of a Committee, when notice must be given of the names of Members to be proposed in substitution for names comprised in the nomination list of the Committee.

Notice of a Motion is not so strictly required by other deliberative Bodies. The decision of a Muni-

cial Council at its Statutory Quarterly Meeting may be obtained on Motions made without Notice; and this right is possessed by Ordinary General Meetings of Shareholders, when the Regulations empower such Meetings to take into consideration, without Notice, any of the Company's affairs. In most cases, however, Company Regulations prescribe that, with the exception of certain prescribed matters, all business shall be deemed "special" which is brought before a General Meeting, and that Notice must be given in the case of Special Business. In pursuance of this Rule these Meetings cannot, as is the case with Board Meetings, entertain, without Notice, Motions touching the Minutes of a previous Meeting.

Meetings also as a general rule, are entitled to waive the Notice, that by Regulation, or Usage, is required of a Motion, if all the Members of a Meeting are present, and give their consent. This is an established practice with Board Meetings; and, under similar circumstances, the action of a Municipal Council, which, though called for a special purpose, transacted other business, without previous Notice, was upheld by a judicial decision. And, as a rule, all deliberative Bodies reserve to themselves by Regulation, the power of deciding at once upon matters of emergency. Nothing however can sanction the revocation or alteration of a Resolution by the Meeting which agreed to it, even though all be unanimous in favour of that course.

To make due provision for the infraction of established routine by the occurrence of the unforeseen, cannot be an easy task. On the one hand, it is essential that the transaction of business should be conducted upon a definite system. On the other hand, the more important that are the functions discharged by the deliberative Body, the more certainly will sudden occasion arise, demanding immediate interposition.

The power of dealing with matters of emergency should therefore be placed under some limitation, such as the preliminary sanction of the Chairman, or the necessity of obtaining the general, if not the unanimous consent of the Meeting. Nor should a usage be tolerated, that is in vogue among some Municipal Councils, which permits a Motion "that the Standing Orders be suspended," for the purpose of bringing forward matters wholly foreign to the express and special objects for which the Meeting was summoned; such a course should not be allowed, save by the unanimous consent of all present, given determinately, and recorded upon the Minutes.

And it may be laid down as a fixed principle, following the example of the House of Commons, that no Motion entailing the expenditure of money should be "presently entered upon." Such proposals ought not to be considered, save upon a future occasion, of which distinct Notice should be given.

RULES REGARDING MOTIONS MADE WITHOUT

NOTICE.—The following regulations regarding Motions made without Notice have been extracted, by kind permission, from the Minutes of a well advised Public Body.

- “ For appointing a Chairman ;
 - For the adjournment of any Meeting ;
 - For receiving, entering on the Minutes, adopting and carrying out, or referring back, any Report ;
 - For reading or answering any correspondence, or other document ;
 - For hearing any applicant or evidence ;
 - For the precedence of any particular business ;
 - For appointing any business for the consideration of any future Meeting ;
 - For appointing Committees, and nominating the members thereof ;
 - And any matter that is urgent.”
- (*Richmond Vestry, Standing Order, No. 13.*)

RULES REGARDING NOTICES OF MOTIONS.—The following Rules regarding the giving Notice of a Motion, adopted by the School Board for London, may be deemed worth consideration. Thursday, it must be remembered, is the appointed day for an ordinary Board Meeting.

“ Every Notice of Motion shall be given in writing, be signed by the Member giving it, and be communicated to the Clerk of the Board not later than

the Monday preceding the ordinary Board Meeting at which it is to be moved, or be received by him by the first post on Tuesday.

“A book shall be kept by the Clerk, in which all Notices of Motion shall be entered. All such Notices shall be dated and numbered as received, and entered in the Notice Book.

“A Motion, notice of which is duly inserted in the Paper of Business, if it be not moved at the Board, either by the Member who has given notice or by some other Member in his behalf, when it comes on in due course, shall, unless postponed by leave of the Board, be considered as dropped, and shall not be moved without fresh notice.

“A Motion once made and seconded shall not be withdrawn without the consent of the Board.”

REVOCATION OF RESOLUTIONS.—Motions to rescind past transactions require consideration. Boards regulated by the Metropolis Management Act, 1856, are, in this respect, subject to the following provision. No Resolution can be revoked or altered, save at a Meeting specially convened for the purpose; and the revocation or alteration must be determined by a Majority consisting of Two-Thirds of the Members of the Board, if the number present at the Meeting be not greater by One-Fifth than the number present when the Resolution was made; but if the number then present be greater by One-Fifth than the number present at the former Meeting,

the revocation or alteration may be determined upon by a mere Majority.

This provision is cited, as a reminder, that security should be obtained to ensure, on these occasions, such an attendance as shall fairly represent the opinion of the Board. Publicity should also be afforded to a Motion to rescind or vary a Resolution, by providing that Notice to that effect is given at the Meeting previous to that on which such Motion will be brought forward. The following Regulation, bearing on this subject, is in use by the School Board for London.

"No Notice of Motion to rescind any Resolution which has been passed within the last six months shall be in order, unless, in addition to the name of the Member who proposes to rescind, the names of nine other Members are attached to the Notice of Motion."

The Board, however, excepts from this Regulation Motions made in pursuance of a Committee Report recommending the revocation of a Board Resolution, because in such cases ample Notice has been given of the proceeding.

IRREGULAR MOTIONS, OR AMENDMENTS.—Points of Order arise, often by no means capable of easy solution, regarding the relevancy of Amendments, or whether a Motion be within the scope of the Meeting. The House of Commons, acting through the Speaker, has never treated such points of Order

in a narrow spirit, or limited unduly the area of discussion, and Chairmen, in principle, would desire to follow that example. Chairmen, however, are, as a rule, somewhat denied the latitude possessed by the Speaker in his decision upon these questions.

Especially is this the case with Chairmen of Local Boards, or Public Companies; the actions of these bodies are strictly limited by Statute, or by their Articles of Association; a limitation that must constantly be kept in mind. Their Resolutions, also, may immediately touch the property of their Association, or impose legal responsibility on others, unchecked by the several stages of procedure, and deliberative precautions, which control the course of Parliament.

An indication of the general principle which governs the propriety of Motions and Amendments is all that we can attempt. The primary and chief guide to Chairmen in this matter, is the Notice which calls the Meeting together. Shareholders' Meetings are strictly bound by the terms of that Notice; and even, in the case of a Meeting held solely for the purposes of discussion, the Chairman is bound to refuse a Motion foreign to the purpose for which it is convened; nor should he accept a Motion containing proposals that are distinctly irregular or illegal, or offensive or disloyal expressions. And Chairmen of Shareholders' Meetings may be reminded that they must keep constantly in view not only the Notice

under which they have met, but also the Regulations of their Company that define the course to be adopted regarding matters which are classed as "Special Business."

Nor are the powers conferred by the Regulation, which provides that a Shareholders' Meeting may decide, without Notice, upon any of the Company's affairs, exempt from limitation. No Regulation can authorise an Ordinary General Meeting to entertain a proposal to add a new Article to the Company's Articles of Association, save upon the conditions attached to a "Special Resolution." Nor can, under any circumstances, a Company agree to a Resolution which exceeds the terms of its Memorandum of Association.

These considerations apply to Amendments, as well as Motions. For instance, it was held at a Special Shareholders' Meeting, convened to sanction the augmentation of the Company's Capital by the creation of New Shares, that an addition to that proposal specifying the amount of premium to be paid for those shares, was out of Order. Even if that Notice had called the Shareholders together to consider "the increase of capital to such extent and in such manner as the Meeting shall determine, it would not be competent to move as an Amendment, 'That instead of increasing the Capital the Directors be authorised to borrow £5,000, for the purposes of the Company;' the Chairman should decline to put such

a Motion." (Palmer's "Shareholders' Legal Companion," p. 49.) This point of Order, it may be noticed, is based on a very technical use of the word "Capital." In ordinary acceptance, Capital means the monetary resources of an undertaking; and it might be argued that money raised by loan was, if so employed, Capital, as well as money raised by shares. But Shareholders' proceedings must be kept strictly within the terms of the Companies Act; and, undoubtedly, when a Meeting is convened to consider a specific proposal such as the election of Mr. B. to fill the official post vacated by Mr. A., no Amendment can be moved to that Motion; it must be affirmed or negatived.

RELEVANCY OF AMENDMENTS.—An Amendment to a Motion that is proposed for the transaction of business, must be kept strictly within the terms of that Motion. For instance, an Amendment to a Motion, that a Report be read a second time, must distinctly traverse the main issue of the Report, by suggesting a mode of action which, for alleged reasons, may be deemed preferable; or the Amendment may propose the reference of the Report either to the Committee whence it emanated, or to another Committee, with such instructions as may be deemed advisable. Again, when a Meeting is engaged in the election of Directors, it is an irregularity to propose an abstract Resolution regarding the duties of the Direction, as an Amendment to the name of a

Director whose election is disputed. The substitution of another name, in the stead of such Director, is the only orderly Amendment in this case; though, if the Notice of election be in general terms, Notice of names to be offered by way of Amendment is not essential.

WITHDRAWAL OF MOTIONS.—It appears to be customary at Shareholders' Meetings to empower the mover and seconder of a Motion, or of an Amendment, to withdraw their proposition during the progress of the Debate, without requiring the permission of the Meeting. Such a usage is not admitted among the Rules contained in this Handbook, as it conflicts with the established principle that a Question, when proposed from the Chair, is in the custody of those to whom it has been submitted.

PROTECTION OF CHAIRMEN.—The Chairman of a Meeting, if so authorised by Usage or Regulation, is the proper person to decide Questions of Adjournment; he is to regulate proceedings and preserve Order, doing the acts necessary for these purposes on his own responsibility. The duty of considering the legal effect of the Notice that convenes the Meeting upon the transaction of business, and the propriety of Motions and Amendments, is especially imposed upon the Chairman. This aspect of Chairmanship is not directly within the scope of this publication. On such points Chairmen must invoke the aid of the living, or the printed legal authority. Some of the

leading text-books on this branch of the law are mentioned at the close of the chapter.

But if responsibility be thus inevitably imposed on Chairmen, their protection in the straightforward discharge of their duty has invariably been the aim of the Legislature and of the Judicial Bench.

Accordingly, the decision of the Majority of a duly constituted Meeting will be upheld, although attended by technical informality, provided that such irregularity is committed by the Chairman through mistake, or inadvertence, is unmarked by fraud, and causes no individual wrong. The protection thus afforded may be illustrated by examples of Statutory provisions designed for that purpose. The Meetings of Boards, and other Meetings held in conformity with Acts of Parliament, are deemed to have been duly convened and held, and all proceedings thereat to have been duly transacted, until the contrary is proved, and if the Minutes of such Meetings are in conformity with Statutory provision. Nor are the proceedings of Boards invalidated by any vacancy or vacancies among their Members, or by any defect in their election, selection, or qualification.

The Chairman of a Shareholders' Meeting is also protected regarding the mode by which the decision of the Meeting is obtained. Unless a Poll is demanded, the declaration of the Chairman that a Resolution has been carried, shall be deemed conclusive evidence of the fact, "without proof of the number

or proportion of the Votes recorded in favour of, or against, the same." And the principle thus established may be extended to that very customary usage, under which a Chairman, being assured that the Meeting comprehends the proceeding, and consents thereto, declares that a Motion, springing from the ordinary course of business, is agreed to, without formally putting the Question thereon to the Vote. Nor if a Chairman, in due course, submits a Motion to a Meeting, can his omission to call upon a Mover or Seconder to propose and support such Motion, be subsequently questioned. In the House of Commons the Speaker habitually accepts the Mover's proposal of a Motion or of an Amendment, if the proposal be not out of course, without calling for a Seconder; the Speaker also puts, of his own accord, Questions to the House, that are required by the procedure then in hand; and by Statute, the Chairman of a Meeting called in accordance with Schedule III. of the Public Health Act, 1875, is even required to "propose to the Meeting the Resolution" for its consideration, without needing the co-operation of a Mover or Seconder.

Still, an informal transaction of a formal proceeding is undesirable; and it is even more needless to observe that no attempt should be made to take an undesigned advantage of any permitted laxity of procedure. For instance, although a Chairman be not bound to announce the number of Votes given

for or against a Motion, still he must not, to force the demand of a Poll upon the supporters of a Motion, declare a Motion to be rejected, when the Show of hands was obviously in its favour.

VOTE BY A POLL.—A Show of hands is but a crude and imperfect method of arriving at a decision by a numerous body of Voters; and a Poll, when each Voter separately, by his personal act, either orally, or in writing, gives in his Vote to an appointed officer, is the regular mode of testing the opinion of a deliberative assembly. A Poll, therefore, unless forbidden by Regulation, or established precedent, may be demanded on any Question put to a Meeting, as of right, even though the demander be satisfied regarding the correctness of the declaration by the Chairman on the Vote by Show of hands: and that is the proper time for urging the demand. A Shareholders' Meeting, owing to a construction put upon the Companies Act, must, unless otherwise empowered, adjourn for the purpose of taking a Poll. And this practice may be held to govern the Vote by Poll on all occasions. A Show of hands, followed, if demanded, by a Poll, are the authorised modes of taking the Vote; and an attempt to test the opinion of a Shareholders' Meeting by directing the Ayes to pass beyond, and the Noes to remain within a barrier, in the Assembly room, is a decided irregularity. Votes by proxy are not admissible unless expressly authorised by Law or Regulation. Nor

can the Vote by Ballot be adopted by a Meeting subject to a provision, that the names of Members voting shall be recorded upon the Minutes.

ABSTENTION OF MEMBERS FROM VOTING. — By Rule, and by locked doors, the House of Commons endeavours to compel the Members present, when a Question is put from the Chair, to Vote upon that Question. But despite both moral and mechanical restraint, Members, occasionally, do successfully evade the discharge of that obligation. This contrast between theory and practice on the part of the House is, in truth, only one of the many illustrations that arise of that proverbial truism, regarding the inability to make the horse drink, that is driven so easily to the water. And being devoid of the power of turning the key upon their colleagues, it is no wonder that other deliberative Assemblies shrink from the endeavour, and leave the Members free to abstain from voting, even though present when a Question is put from the Chair. Members so acting cannot, however, if Members of a Board or Meeting discharging a Statutory or public duty, escape all responsibility. They are held, by their presence during the Vote, to be acquiescent in the decision of the Majority, and to impart validity to the proceeding, if their Votes, had they been given, were essential thereto. This liability does not touch the Members of a Meeting called for the purpose of discussion, or of Shareholders' Meetings, as the Vote

of a Shareholder is not a trust, but a proprietary right, subordinate to an owner's freedom of will. Still this exemption cannot relieve from discredit those who, having heard a Question argued out, either cannot or will not form an opinion thereon.

OBSTRUCTION.—It may be accepted as a principle of Debate, that a Meeting may claim, as of right, to obtain a final decision upon every Question brought before it, if,—according to the general and justly formed opinion of the Meeting,—that Question has been adequately discussed; no unfair attempt, of course, having been made to bring that discussion to a premature conclusion. Nor is it imperative on a Meeting, under such circumstances, to suffer further continuance of the Debate, or on a Chairman to obtain a hearing for those who may rise for the purpose of speaking. This practice is sanctioned by immemorial parliamentary usage; to use Mr. John Bright's words, "if there be any Members of this House" who insist on protracting discussion, when the mass of their associates demand the Division, and "are not to be put down by a sense of shame, or by the feeling of dissatisfaction among their fellow Members," the House of Commons has "as a remedy," the power to protest loudly, and effectively, against such conduct. Still, these outbursts of clamorous impatience are justifiable only as a last resort: they place the Chairman in the false position of seeming to tolerate disorder; and patience,

on such occasions, often saves both time and irritation.

Speech, however, not for argument, but for delay, is a recognised offence. Accordingly, if no person be then addressing the Chair, in obedience to the evident sense of the Meeting at large, a Motion may be made, "That the Question be now put." The Chairman thereupon, forthwith, *i.e.*, without permitting Amendment, or Debate, puts that Question, and puts, in like manner, the Question at issue, if the first Motion be resolved in the Affirmative. This power of moving that the Question be put, is also vested in a Chairman of a Shareholders' Meeting (Palmer's "Shareholders' Legal Companion," p. 49); and that intervention to arrest Debate may be made before the Member who, it may be presumed, is deliberately obstructing business, has concluded his speech. But with the exception of Shareholders' Meetings, if parliamentary procedure be followed, a Motion to terminate a Debate should not be made in interruption of a speech.

Even on that memorable occasion, when, after the House of Commons had held a continuous sitting of more than forty hours, and the Speaker, at 9 in the morning of 2nd February, 1881, vindicated the authority of Parliament, the Speaker did not interrupt, for the purpose, any Member who was addressing the Chair. The announcement that the Speaker would decline to call upon any more Mem-

bers to speak, and that he should at once proceed to put the Question at issue from the Chair, was made when the Member, who, until that moment was engaged in the Debate, had resumed his seat.

Untoward consequences, however, might be caused by a deference to liberty of speech similar to that which the Speaker then exhibited; and the following Rule is therefore offered, if need be, for adoption.

RULE REGARDING OBSTRUCTION.—"When, after two warnings from the Chair, any Member persists either in obstructing business, or in otherwise disregarding the authority of the Chair, the Chairman shall not allow him to proceed, but shall call upon another Member to address the Board, or—if no Member rises—shall (subject to the right of the mover to reply) put the Question to the vote without further debate." (Rule No. 26, School Board for London.)

Some security against undue delay or factious opposition may also be obtained by limiting the duration of speeches, except by the Mover of a substantive Motion, to ten or fifteen Minutes, and by placing the following restrictions, in use by the London School Board, on the power of moving dilatory Motions, or of insisting upon a Division.

MOTIONS FOR ADJOURNMENT.—"When a motion for the adjournment of the Board is made, it shall be seconded without a speech, and put by the Chairman without debate; and no second motion for the

adjournment of the Board shall be made within a period of one hour, unless it is moved by the Chairman or the Vice-Chairman of the Board.

"No Member moving the adjournment of a debate shall be allowed to speak for more than five minutes. After the motion has been seconded without a speech, and one Member has been heard for not more than five minutes in opposition to the motion, the question shall be at once put without further debate.

"No second motion for the adjournment of the same debate shall be allowed within one hour of the previous motion for adjournment, unless, in the opinion of the Chairman, the circumstances of the question shall be materially altered.

"No Member shall be allowed to move, or second, more than one motion for adjournment of the same debate.

"No Member shall be at liberty to move an amendment on a motion for the adjournment of the Board, or for the adjournment of a debate, unless it relate to the question of time. No motion for the adjournment of a debate, nor amendment thereon, shall be admissible which proposes an adjournment over more than one ordinary Meeting of the Board. A Member speaking to a motion for the adjournment of the Board, or for the adjournment of a debate, or to an amendment on either of these motions, shall confine himself to the question of adjournment.

DIVISIONS.—"No division shall take place unless

called for by two Members of the Board. Where one Member only calls for a division, the dissent of that Member shall be recorded on the Minutes."

ADJOURNMENT OF MEETINGS.—The power of Adjournment is vested in the Chairman of a Vestry for the purpose of a Vote by Poll on a subsequent day; and Chairmen presiding over a Meeting called for public discussion, can, on the occurrence of violent disorder, dissolve the Meeting by announcing its Adjournment (*see p. 7*). And this right is, to a certain extent, possessed by Chairmen of Board Meetings, especially if the Adjournment be made to facilitate the objects of the Meeting. But those who do so, incur a risk: as Chairmen, who take on themselves the Adjournment of a Meeting whilst engaged in the transaction of business, have been held responsible for the result of their interference with the proceedings in progress when the Adjournment occurred.

As a rule, Notice is not required of an Adjourned Meeting, as that Meeting is held to be the continuation of the original Meeting, and as an Adjourned Meeting is not competent to transact any business, save that which the original Meeting left unfinished. At an Adjourned Meeting of a Municipal Council, new business, that is to say, business not entered upon at the General Quarterly Meeting, can be entertained, if due Notice of the intention to take up such business be given; and this practice might deserve a general adoption.

The following are the titles of some of the text-books that touch the Law of Board and other Meetings.

Of these the most popular, on account of its marked utility, and convenient size and price, is Mr. Francis B. Palmer's "Shareholders' and Directors' Legal Companion, a Manual of Every-day Law and Practice for Promoters, Shareholders, &c., of Companies," 4th Edition. (Stevens and Sons.)

H. B. Buckley on the Companies Acts. 4th Edition. (Stevens and Haynes.)

Thring's "Law and Practice of Joint Stock and other Companies," 4th Edition. (Stevens and Sons.)

Rawlinson's "Municipal Corporation Act," 7th Edition. (Maxwell and Son.)

Steer's "Parish Law," 4th Edition, by Walter Henry Macnamara, Esq. (Stevens and Sons.)

Glen's "Public Health Act, 1875," 8th Edition. (Knight and Co.)

CHAPTER IV.

A MOTION PROPOSED FOR DEBATE.

As no Meeting should be, even for an instant, without a definite subject for deliberation, the Member first called upon to speak should commence by a statement, that he has prepared a Motion as a Question for determination by the Meeting. Then, having in his speech explained his object in submitting the Motion to their consideration, the Member moves the Motion by reading it aloud; and he hands the paper upon which the same is written to the Chairman.

Rule 4. Motion to be in writing.

Rule 5. No Speech save to a Question.

Then the Chairman, in due course, immediately asks, "Who seconds the Motion?" that it may be formally submitted to the Meeting; and he pauses to ascertain if any person acknowledges by speech or sign that he seconds the Motion. If the Motion finds no Seconder it is immediately dropped; and, until another Motion is brought forward, Debate must be discontinued, as no Question is before the Meeting. When a Motion has been seconded, the Chairman at once proposes it as the Question for deliberation.

Rule 4. Motions to be seconded.

Supposing, accordingly, that a Motion to the following effect has been duly seconded, the Chairman rises and says,—

Chairman.—"The Question I have to propose is, 'That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital.'"

This is the stage for the discussion of the Motion; and when Amendments thereto should be moved (*see p. 50*).

ORDER IN DEBATE.—The most convenient method of conducting a Debate, is to call upon the advocates and the opponents of the Question before the Meeting to speak alternately.

The Secunder of a Motion, or an Amendment, is entitled to reserve his speech till a later period of the Debate, if his act as Secunder be restricted to a gesture indicative of his intention, such as the raising of his hat, according to usage in the House of Commons. Though contrary to parliamentary practice, it might be of advantage if this privilege were extended to those who, to make their purpose intelligible to the Chair, utter the formal phrase, "I beg to second the Motion."

The proposal of an Amendment materially affects the character of a Debate. The merits or demerits of the Amendment, the effect that it may produce upon the original Motion, the further Amendments

that it may necessitate, the import of the words proposed to be omitted, or of the Motion itself, are all before the Meeting. A wide field for discussion is undoubtedly thus opened, but not unlimited, if the Chairman keeps debaters to the main points at issue raised by the Amendment and the Motion.

Although two Amendments cannot be simultaneously placed before a Meeting, it is competent to Members, after an Amendment has been proposed from the Chair, to explain the terms of another Amendment which they may desire to offer, either contingent on the Amendment under debate, or which might arise after that Amendment has been disposed of. This explanation avoids confusion, and puts the Meeting into possession of the various proposals it may be called upon to entertain.

As regards those who are entitled to speak during the progress of a Debate, or to move Amendments, Members who moved or seconded a Motion, or who spoke thereon, cannot afterwards rise to speak again, or to move an Amendment thereto, and with them must be classed the Movers and Seconders of an Adjournment of the Debate, and of the "Previous Question." This disability also extends to those who have moved or seconded an Amendment; they spoke, in so doing, whilst the Motion was the Question from the Chair; they cannot, therefore, speak again thereto when their Amendment has been disposed of. It will be remembered, however, that

during the Debate upon a Motion, a new Question is created by the proposal from the Chair of an Amendment or of Motions for Adjournment, or the "Previous Question" (*see* p. 74), and that upon such new Question those who have spoken to the Motion can speak again.

Chairmen should be empowered to close a Debate when the right of Reply has been accorded, under Rule 9, to the Mover of a substantive Motion. This usage accords with the invariable desire, if not with the invariable practice of the House of Commons, and is therefore embodied in the Rule upon that subject. And no inconvenience will attend the enforcement of this Rule if the Chairman prefaces his call for the Reply by an inquiry whether any Member desires to speak, as such an announcement from the Chair prevents Members from asserting that they have been unconsciously debarred from addressing the Meeting on the Motion.

Occasionally a Motion takes the form of several distinct paragraphs, embodying different branches of the same subject. A Motion thus drawn cannot be put to the Vote in the shape it has assumed. Each paragraph must be proposed from the Chair as a separate Question, and becomes, if agreed to, a separate Resolution. This, of necessity, must be the method of deciding upon such a Motion, but it places not the Mover only, but those who may debate the Motion, at this decided disadvantage:

the discussion and the Division which practically determine the whole matter are inevitably taken on the first paragraph, although much disputable matter is contained in the remaining portions of the Motion. Even Mr. Canning felt that his brilliant eloquence was, to a degree, stifled by the unavoidable conditions that attend Debate on a Motion composed of several paragraphs. It was, he said, "technical nonsense" to assert "that each resolution was a separate Question, and that upon each separate Question he might speak. The effective debate must take place upon the first resolution, and the Question upon that resolution once put to the vote, he should be heard upon those that follow, to very little purpose indeed."

CHAPTER V.

THE MODE OF PUTTING THE QUESTION UPON A MOTION TO THE VOTE.

WHEN the Debate upon a Motion is closed, the Chairman rises and puts the Question upon the Motion.

Chairman.—"The Question is, 'That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital.'"

THE VOTE GIVEN BY VOICES.—The Chairman proceeds to take the Vote of the Meeting by the Voice. To do so, he first desires—"As many as are of that opinion say 'Ay.'"

He then makes a distinct pause, whilst he hearkens to the voices given in the Affirmative. When he has received an answer, and those in favour of the Motion have distinctly said "Ay," he completes the process by desiring—"As many as are of the contrary opinion say 'No.'"

The Chairman pauses again to receive the voices given in the Negative.

Supposing that not a single voice is heard to answer "No," or if the Chairman judges from the sound of the voices exclaiming "No," that the "Noes" are fewer in number than the "Ayes," he expresses his opinion upon the Vote of the Meeting, by announcing

Rule 12.
No speech after
Question fully
put.

cing deliberately, but not decisively that—" *I think the 'Ayes' have it.*" This he does in order that any one present may demand the Vote by Show of Hands.

The Chairman, therefore, again makes a marked pause, that he may ascertain how that statement is received, before he declares his final decision.

If the Chairman's statement that, as he thought, "the 'Ayes' have it," is received in silence; if no voice challenges his assertion by retorting back immediately and distinctly—"The 'Noes' have it;" —the Chairman clenches the matter and declares emphatically,—"*So the 'Ayes' have it.*"

The Question having been by that final declaration resolved in the Affirmative, it has become the Resolution of the Meeting; and the Chairman concludes by reading aloud the Motion in his hand, prefixing the word "*Resolved,*" — as for instance, "*Resolved, That tenders be invited for the erection of a new Infirmary,*" &c.

The action of the Chairman, on the occasion of the rejection of the Motion, precisely follows the course we have just described. Thus, if in answer to the Chairman's call that, "As many as are of that opinion say 'Ay,'" not one voice is heard to exclaim "Ay," or if the "Ayes," from the sound of their voices, appear fewer in number than the "Noes," the Chairman declares his opinion upon the negative Vote thus given by the Meeting, and announces distinctly, though but tentatively, "*I think the 'Noes' have it.*"

As that statement is not final, but open to solution by the Show of Hands, the Chairman pauses to indicate that he awaits the challenge. Then, if no challenge comes, if no one contradicts the Chairman by affirming aloud, "The 'Ayes' have it," he decisively declares his final decision, "*So the 'Noes' have it;*" and he thus announces to the Meeting that the Question has passed in the Negative.

THE VOTE GIVEN BY A SHOW OF HANDS.—A Vote by Show of hands is obtained by challenging the

Rule 20.
Correction of
error in Vote by
show of hands.

Chairman's opinion regarding the voices of the Meeting. If the statement that he thought that either "the 'Ayes' or "the 'Noes' have it," is met by a

Rule 21.
Chairman's
Casting Vote.

distinct and positive challenge even from a single voice, he will direct that the Vote be taken by a Show of hands. He

appoints a teller for the "Ayes," and a teller for the "Noes," who rise and meet, so as to be ready to act together. Then the Chairman directs each Member who during the Vote by voices had exclaimed "Ay," or who was in favour of the Motion, to rise and hold up a hand. The tellers count the number of hands held up, and put the number down in writing; this done, they inform the Chairman that they have recorded the number of the "Ayes." He then directs each person who has called out "No," or who desired to oppose the Motion, to rise and hold up a hand. The "Noes" are then numbered and recorded by the

tellers, who place their Report before the Chair. Then the Chairman, holding in his hand the tellers' Report, rises and announces the number of Votes which have been recorded for and against the Motion, and he gives effect to the consequent decision of the Meeting.

Rule 17.
Motions
decided not to
be renewed.

Those who have spoken in favour of a Motion, even as Mover or Seconder, are in Order if, owing to some complication, they vote against that Motion. But the Vote of a Member in the Show of Hands must agree with the Vote he had given with the Voice. A Chairman, for instance, should add to the number of the "Ayes," the Vote of a Member who, having exclaimed "Ay," held up his hand with the "Noes," if this matter of Order be raised before the declaration of the numbers from the Chair; but this objection to a Vote cannot be taken subsequently. According to usage in the House of Commons, no correction can be made of a Vote given in error, even though that Vote may conflict with the voter's expressed intention. In the House of Lords, if a Peer commits such a mistake, the House permits a rectification of the error. And perhaps the more generous practice of the Upper House is to be preferred.

CHAPTER VI.

AMENDMENTS TO MOTIONS.

THE OBJECT AND METHOD OF MOVING AMENDMENTS.—A Motion is open to amendment until the Question thereon is put from the Chair. Rule 12. Question fully put. Directly that an Amendment has been moved and seconded, the Chairman proposes the form of Question which Rule 4. Amendment to be in writing and seconded. the Amendment occasions (*see p. 55*). Amendments to a Motion must be relevant thereto (*see p. 29*). There are two forms of Amendments; the one is offered, not in absolute opposition to a Motion, but to produce such a modification thereof as may render it acceptable to those who are willing to support the Motion so amended.

The other form of Amendment traverses more or less directly the principle expressed by a Motion, or the course of action that it recommends. For this purpose an alternative proposition running counter, either wholly or partially, to the original Motion, is proposed. The usual shape given to such an Amendment is a sentence declaring the motives which actuate the opposers of the Motion, offered as a substitute thereto, and framed so that it would

make a coherent sentence, when placed in combination with the first word, or words of the Motion.

When the object of an Amendment is to convey an absolute contradiction of a Motion, that Amendment must be expressed in terms that either justify or explain the Mover's intention, as it would be out of Order to propose an Amendment confined solely to the bare negation of a Motion. Far less could an Amendment be offered that proposed to interpolate the word "not" into a Motion, as, for instance, "That tenders be" *not* "invited," &c. The way to give the direct negative to a Motion is to vote against it when the Question is put from the Chair.

The effect produced upon the Debate by the proposal of an Amendment has been previously pointed out (*see p. 42*); and the principle which regulates the proposal of Amendments is expressed in Rules 13—16, "Order of Amendments," &c.

When it is intended to propose several Amendments to a Motion, the Chairman should be informed of the nature of the Amendments, and the exact point in the Motion where each Amendment would occur, in order that the proposers of those Amendments may move them, when the occasion for each Amendment shall arise. If, before the Chairman proposes an Amendment, he is informed that Notice has been given of an Amendment affecting an earlier part of the Motion, such an Amendment will take precedence. But otherwise, if a Member neglects at the due time

to move the Amendment he has in charge, he loses the right to do so, as the Member who is addressing the Chair upon a Motion has the right to move any Amendment thereto, that is in Order. In such a case, however, the Member who has lost his opportunity may appeal to the Meeting to permit the proposal of his Amendment, and if his appeal is favourably received by the Mover of the Amendment under discussion, that Amendment may, by the consent of the Meeting, be withdrawn.

The re-proposal, however, of the withdrawn Amendment involves the following technical irregularity. The Mover, when he proposed the Amendment, spoke to the Question upon the Motion, and he must speak again thereto when he renews his proposal. The Rule which forbids more than one speech upon each Question is thus infringed. But as it was to meet the convenience of the Meeting that the Mover consented to withdraw his Amendment, he should be permitted to move it again, though a repetition of the arguments he had previously adduced must not be allowed.

CHAPTER VII.

THE MODE OF PUTTING THE QUESTION UPON AMENDMENTS.

AMENDMENTS are divisible into three classes :

1. An Amendment by leaving out words.
2. An Amendment by inserting words.
3. An Amendment by leaving out words, in order to insert other words.

The parliamentary method of treating Amendments, that is fully explained in our preface, may be here again referred to, because that method is expressly devised to meet the occasion, when under the 3rd Class of Amendments, two proposals are offered to the House of Commons, namely, the rejection of words from a Motion and the acceptance of words in their place. These alternative proposals are thus dealt with. Two Questions are put from the Chair; the first is a preliminary Question, which settles whether the Amendment or the Motion shall be considered; that preliminary Question being decided, then follows the Second Question, which concludes the matter, by determining the fate of the Motion, either in its original or its amended shape.

Thus the first Question put by the Speaker calls

upon the House to determine whether "*the words proposed to be left out*" of the original Motion, shall, or shall not, "*stand part of the Question*" for discussion. If the response made by the House decides that the words which the Amendment proposes to strike out of the Motion, *shall stand part of the Question* before the House, the Amendment is negatived. For that decision shows that the House prefers to discuss the Motion in the form proposed by the Mover. Then arises the second Question, which ascertains if the House accepts or rejects the Motion itself, which, no further Amendment thereto being moved (*see p. 60*), the Speaker submits to the decision of the House.

Supposing, however, that the House determined that the words in the Motion, which the Amendment proposed to leave out, shall not "*stand part of the Question.*" As those words are thereby struck out, a blank or vacant place is made in the Motion. The Speaker accordingly proposes another Question, to ascertain whether the vacancy shall be filled up by the words suggested in the Amendment, or by any other words. This is the opportunity for moving Amendments to that Amendment (*see p. 61*); and the process ends by submitting the Motion, in its altered form, to the final Vote of the House.

The three classes of Amendment are proposed from the Chair and put to the Vote in the following manner.

Class 1.—AN AMENDMENT BY LEAVING OUT WORDS.

—In the case, for instance, of a proposal to leave out the words, “the Market Place of,” from the Motion “That tenders be invited, &c.,” the Chairman rises, and prefaces the Question thus:—“The Original Question was this, ‘That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital;’—since which an Amendment has been proposed, to leave out the words, ‘the Market Place of;’

“The Question I have to propose is, That the words, ‘the Market Place of,’ stand part of the Question.”

This Question is put to the vote in the manner already described (*see p. 46*). If the Question be resolved in the Affirmative, as that decision keeps the words, “the Market Place of,” standing in the Motion the Amendment is negatived. No alteration, accordingly, can be made to the Motion prior to the words, “the Market Place of;” and if no subsequent Amendment be offered, the Chairman puts the Question in its original form:—

Chairman.—“The Question is, ‘That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital.’”

If, however, the first Question, “That the words, ‘the Market Place of,’ stand part of the Question,”

passes in the Negative, the Amendment is made; these words are rejected from the Motion; and then, if no subsequent Amendment be offered, the Chairman puts the Question on the Motion as amended:—

Chairman.—"The Main Question, as amended, is, 'That tenders be invited for the erection of a new Infirmary in . . . Stafford, to be placed under the Medical Staff of the County Hospital.'"

Class 2.—AN AMENDMENT BY INSERTING WORDS.—Following the previous example, if an Amendment is proposed to insert the words, "by public advertisement," after the word, "invited," in the Motion, "That tenders be invited for the erection of a new Infirmary, &c.;" the Chairman rises, and prefaces the Question thus:—"The Original Question was this, 'That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital;'"—since which an Amendment has been proposed, to insert after the word 'invited,' the words, 'by public advertisement;'

"The Question I have to propose is, That the words, 'by public advertisement,' be there inserted."

When the Question is put to the Vote, supposing that it is Negatived and that no subsequent Amendment is proposed, the Chairman puts the Question upon the Motion in its original form.

If, however, the Question, for inserting those words is resolved in the Affirmative, the Amendment

having been accepted, the Chairman puts the Question upon the amended Motion :—

Chairman.—"The Main Question, as amended, is, 'That tenders be invited by public advertisement for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital.'"

Class 3.—AN AMENDMENT BY LEAVING OUT WORDS, IN ORDER TO INSERT OTHER WORDS.—The procedure necessitated by this class of Amendment is as follows :—Supposing that an Amendment is proposed to the Motion, "That tenders be invited, &c.," by the substitution of the words "*and that such Infirmary shall be managed by a Visiting Committee,*" for the words "*to be placed under the Medical Staff of the County Hospital;*" the Chairman rises, and prefaces the Question thus :—"The Original Question was this, 'That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford, to be placed under the Medical Staff of the County Hospital,' since which an Amendment has been proposed to leave out the words, 'to be placed under the Medical Staff of the County Hospital,' in order to insert the words, 'and that such Infirmary shall be managed by a Visiting Committee,' instead thereof :

"The Question I have to propose is, That the words, 'to be placed under the Medical Staff of the County Hospital,' stand part of the Question."

The proposed Amendment is assumed, for the

purpose of illustration, to be the wish of the Majority. Under this supposition the words, "to be placed under the Medical Staff of the County Hospital" are struck out of the Motion, the Question thereon having passed in the Negative.

The Chairman accordingly puts the following Question :—"The Question is, That the words, 'and that such Infirmary shall be managed by a Visiting Committee,' be there inserted." That Question being resolved in the Affirmative, those words are therefore inserted ; and the Chairman, in conclusion, calls for a decision on the Motion so amended :—

Chairman.—"The Main Question, as amended, is, 'That tenders be invited for the erection of a new Infirmary in the Market Place at Stafford, and that such Infirmary shall be managed by a Visiting Committee.'"

The Chairman's second proposition, "That the words, 'and that such Infirmary shall be managed by a Visiting Committee,' be there inserted," might, however, be rejected. The vacancy created in the Motion by the omission of the words, "to be placed under the Medical Staff of the County Hospital," would thereby be left unfilled up. This, it may be presumed, was not the intention of the Meeting, and that the attempt to complete the sentence will be resumed, another form of words being proposed with that object.

The Chairman, accordingly, when such other

words have been duly proposed, takes the opinion of the Meeting regarding their introduction into the Motion by putting the Question, That those words be there inserted. And this proceeding would be continued, till the vacancy in the original Motion was filled up.

That these efforts, in the end, prove fruitless is, nevertheless, a possible contingency: no paragraph offered in substitution of the omitted words, perhaps, proves acceptable. The Chairman, however, if the Motion is not withdrawn, must put the final Question thereon, although it be still in an incomplete condition. Thus if no method of filling up the blank space caused by the omission of the words, "to be placed under the Medical Staff of the County Hospital," be agreed upon, the Chairman concludes by calling for a decision on the Motion so amended:—

Chairman.—"The Main Question, as amended, is, 'That tenders be invited for the erection of a new Infirmary in the Market Place of Stafford.'"

It will be noticed that in the above case the Question forms an intelligible sentence, although the words struck out remain unsupplied. But if this were not the case, as no Motion can be withdrawn without unanimous consent, if that consent be refused the Chairman will put the Motion, in that fragmentary state, to the Vote, when, as a matter of course, it would be negatived.

This casualty has occurred in Parliamentary practice. A Motion before the House of Commons has even been reduced to a single word; as the House, having negatived all the words of the Motion after the first word "That," negatived in succession every proposition designed to supply that deficiency. The Speaker, however, felt that he could not propose the word "That" as a Question from the Chair, and passed on to the matter which stood next upon the Order Book. The withdrawal of a Motion thus rendered unintelligible is the most judicious course to be adopted in this emergency.

AMENDMENT BY ADDING WORDS.—Chairmen may, in conclusion, be reminded that whenever a Motion, whether amended or unamended, is finally proposed from the Chair, a proposal may be made to add words to such Motion, if duly framed so as to fit in at the end thereof; such words being neither irrelevant nor absolutely contradictory to the Motion, nor reviving a negatived Amendment thereto.

CHAPTER VIII.

THE MODE OF PUTTING THE QUESTION UPON AMENDMENTS TO AMENDMENTS.

WHEN words offered by way of Amendment are proposed from the Chair, they may, in their turn, be subjected to amendment. Accordingly, when this Question was before the Meeting—"That the words 'and that such Infirmary shall be managed by a Visiting Committee,' be there inserted," those words were open to amendment, whether by omission, addition, or variation.

As the proposal of an Amendment to an Amendment originates a fresh subject for consideration, the new Question thus created must, to prevent confusion, be disposed of by itself. An Amendment, when undergoing alteration, is therefore treated throughout in the same way as if it were a substantive Motion upon which an Amendment had been moved. The original Motion, accordingly, is laid aside, and the Amendment becomes, for the time, a separate Question, to be dealt with, until its terms are settled. The Chairman puts the Question that amending words be added to the Amendment, or, that words proposed to be left out, "stand part" of the Amendment;

and, in conclusion, he puts the Question for the acceptance or the rejection of the Amendment, either in its original or in its amended form.

PROCEDURE ON AN AMENDMENT TO AN AMENDMENT.—A Meeting, it may be supposed, is engaged upon this Motion—"That a Finance Committee be now appointed,"—and that an Amendment has been proposed, to leave out from the word "That," to the end of the Motion, in order to add, instead, "*it being inexpedient, at present, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary.*"

As this illustration treats of amending an Amendment, it shall be presumed that the first Question, "That the words proposed to be left out stand part of the Question," has been decided in the Negative. All the words of the original Motion after the first word "That" being thus struck out, the second Question is, "That the words, '*it being inexpedient, at present, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary,*' be added to the word '*That*' in the Original Question."

The proposal of this Question from the Chair forms the point when an Amendment to the Amendment can be moved. Such an Amendment might be, to leave out from the sentence "*it being inexpedient, at present to sanction, &c.,*" the words "*at present,*" and to insert, instead, "*during this year.*"

Procedure on such an Amendment is as follows :—

Chairman.—"The Original Question was this, That the words, 'it being inexpedient, at present, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary,' be added to the word 'That' in the Original Question; since which an Amendment has been proposed to the proposed Amendment, to leave out the words 'at present' in order to insert the words 'during this year' instead thereof;

"The Question I have to propose is, That the words 'at present' stand part of the proposed Amendment."

If that Question be agreed to, the words "at present" are retained in the Amendment; and the Chairman returns to the Question he first proposed, namely:

Chairman.—"The Question is, That the words 'it being inexpedient, at present, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary,' be added to the word 'That' in the original Question."

And then, that Question being also agreed to, the Chairman, to obtain the final decision of the Meeting, puts the Motion so amended to the Vote, namely:—"The Main Question, as amended, is, 'That it being inexpedient, at present, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary.'"

Supposing, however, that the first Question—"That the words 'at present' stand part of the proposed Amendment"—be negatived, the Chairman proceeds to put the following second Question:

Chairman.—"The Question I have to propose is, That the words, 'during this year,' be there inserted."

If that be agreed to, then the Chairman takes the opinion of the Meeting upon the Amendment as amended;

Chairman.—"The Question is, That the words, 'it being inexpedient, during this year, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary,' be added to the word 'That' in the Original Question;" and that being agreed to, the Chairman concludes by taking a final decision upon the amended Motion;

Chairman.—"The Main Question, as amended, is, 'That it being inexpedient, during this year, to sanction any further expenditure, the appointment of a Finance Committee is unnecessary.'"

AN AMENDMENT AMENDED BY THE OMISSION OF WORDS.—Another illustration may be given of a mode of amending an Amendment.

An Amendment, it may be supposed, has been moved to leave out a paragraph from a Motion. The Majority, however, desire to retain a portion of the sentence proposed to be omitted and to negative the remainder. That being the case, they will endeavour

to amend the proposed Amendment, by leaving thereout the words which are to be retained. The restoration of those words to their place in the original Motion would be thereby effected.

The mode of arriving at this conclusion will be visible, if the following Motion and Amendment be accepted in illustration of the proceeding. The Motion is—"That the Superintendents of Police, being superior officers, be appointed Inspectors under the 75th section of The Explosives Act, 1875; and that the Serjeants of the Force be permitted to carry out the provisions of the Act, if appointed as officers by any Local Authority." And it may be supposed that the Amendment proposes to limit the Motion to the first paragraph, by striking out all the words thereof after the date "1875."

The Question, therefore, is proposed :—

"That the words 'and that the Serjeants of the Force be permitted to carry out the provisions of the Act, if appointed as officers by any Local Authority,' stand part of the Question."

The majority of those present, however, wish to retain the words, "*and that the Serjeants of the Force be permitted to carry out the provisions of the Act.*" In that case they would propose to leave those words out of the proposed Amendment.

The following Question would accordingly be put :

Chairman.—"The Original Question was this,

That the words, 'and that the Serjeants of the Force be permitted to carry out the provisions of the Act, if appointed as officers by any Local Authority,' stand part of the Question; since which an Amendment has been proposed to the proposed Amendment, to leave out the words, 'and that the Serjeants of the Force be permitted to carry out the provisions of the Act.'

"The Question I have to propose is, That the words 'and that the Serjeants of the Force be permitted to carry out the provisions of the Act,' stand part of the proposed Amendment."

It may be supposed, following the selected example, that the Majority desire to retain those words. The Question that those words "stand part of the proposed Amendment," is therefore negatived. Those words are, accordingly, restored to the Motion; and the Chairman returns to his former proposition, but in the amended form, by calling for a decision upon the Amendment, as amended, namely, upon the words, "if appointed as officers by any Local Authority."

Chairman.—"The Question is that the words, 'if appointed by any Local Authority,' stand part of the Question."

As the Majority are supposed to be adverse to those words, that Question is negatived. The Chairman therefore puts the final Question upon the Motion, as it has been altered by the amended Amendment.

Chairman.—"The Main Question, as amended, is,

‘That the Superintendents of Police, being superior officers, be appointed Inspectors, under the 75th section of the Explosives Act, 1875; and that the Serjeants of the Force be permitted to carry out the Provisions of the Act.’”

Attempts to amend Amendments not infrequently create perplexity and embarrassment. The best escape from this difficulty is the division of an Amendment which causes a difference of opinion into several separate Amendments, so as to place the sentences open to objection *seriatim* before the Meeting.

For instance, to revert to the last illustration. If the Chairman were permitted to put the Question upon the sentences to be omitted, first upon the words, “and that the Serjeants of the Force be permitted to carry out the provisions of the Act;” the Vote would have been that those words should “stand part of the Question.” Then the Meeting could agree upon the omission of the concluding words of the Motion; and, finally, the Chairman would put the Question on the Motion so amended; and thus, the object sought by a proposal to amend an Amendment is obtainable in a simpler way.

CHAPTER IX.

THE POPULAR MODE OF PROCEDURE, WHICH GIVES PRIORITY TO AMENDMENTS OVER AN ORIGINAL MOTION.

THIS, the popular and general practice of moving Amendments, is not wholly without Parliamentary sanction. In the Committee of Supply, when the reduction of a Grant of public money is proposed, the Chairman takes a decision first upon the Amendment, namely, upon the reduced Grant, nor, until that Question is disposed of, does he submit the original Grant to the Vote of the Committee.

This usage is adopted to afford repeated opportunity of disputing the demands of Government, for if the House regulated the action of the Committee of Supply according to the habitual method of dealing with Amendments, but one decision could be taken upon each Grant.

With this exception, the popular treatment of an Amendment is never used by the House, because of its inherent defectiveness. (*See p. 72.*) The partial adoption, however, by the Commons of this method of dealing with an Amendment brings it within the scope of our Handbook; and the following examples of its working have accordingly been added, in the

form of the Minutes which such procedure would occasion :—

“It was moved by Mr. A., and seconded by Mr. B., ‘That the Report of the Society of Arts upon a reform in spelling be now considered.’

“The following Amendment thereto was moved by Mr. C., and seconded by Mr. D., ‘That no further action be taken upon a reform in spelling;’

“The Question was accordingly proposed, ‘That no further action be taken upon a reform in spelling.’”

After a discussion upon the relative advantages of the Amendment and the Original Motion, the Amendment is put to the Vote; and, if it be agreed to, the Amendment then becomes the Main Question for discussion. If no further Amendment is moved, the Vote is taken on the Question, as amended, which is thereupon, if agreed to, entered as a Resolution upon the Minutes.

If, however, a second Amendment is offered to the Question, as amended, *viz.*, “That no further action be taken upon a reform in spelling,” the Minutes would run as follows :—

“The Question, as amended, being about to be put, a second Amendment was moved by Mr. E., and seconded by Mr. F., ‘That the project of a reform in spelling be referred to a Committee;’

"After some discussion, a Division was called for; and 13 Votes were given for, and 81 against, the Amendment.

"The Chairman therefore declared the Amendment to be lost.

"The Question, as amended, being again about to be put, a third Amendment was moved by Mr. Z., and seconded by Mr. W., to strike out the word 'further,' in order to insert the word 'immediate' instead thereof.

"After some discussion, a division was called for, and ten Votes were given for and eight against the Amendment.

"The Chairman therefore declared the Amendment to be carried.

"The Question, as amended, being again about to be put, a fourth Amendment was moved by Miss T., and seconded by Professor B., to add after the word 'taken,' the words, 'by the Board.'

"The said Amendment was rejected.

"No further Amendments having been proposed, the Question, as amended, was put, and resolved in the following form:—

"Resolved, that no immediate action be taken upon a reform in spelling."

The original Motion, "That the Report of the Society of Arts upon a reform in spelling be now considered," was, in this supposed case, excluded from consideration by the acceptance of an antagonistic

Amendment. If that Amendment, however, had been negatived, the Original Motion would then be proposed again from the Chair, and would be dealt with by way of Amendment, or be put to a final Vote according to the foregoing examples.

The following Rules governing the popular practice of dealing with Amendments have been extracted, by kind permission, from the Regulations of the School Board for London.

“(a) Whenever an Amendment is made upon any Motion, no second Amendment shall be taken into consideration, until the first Amendment is disposed of. If that Amendment be carried, it shall then be put as an original Motion, upon which a further Amendment may be moved. If the first Amendment be negatived, then a further Amendment may be moved to the Original Question; but only one Amendment shall be submitted to the Board for discussion at one time.

“(b) All Amendments must be relevant to the Motion, and must be stated to the Chairman before the Mover speaks thereon. No Member shall be at liberty to move more than one Amendment upon any Motion.

“(c) The Mover of an Original Motion shall have the right of reply, and after the commencement of such reply no other Member shall speak on the Question. No new matter shall be introduced by the Mover in reply.

“(d) Subject to the preceding Rule, and to the

Rule laid down in Rule 26 (*see p. 37*), no Question shall be put to the Vote while any Member present desires to speak, or to move an Amendment, if competent to do so."

The right of Reply is governed by the following practice. If no Amendment ensue upon the proposal of an Original Motion, the Mover thereof replies at the end of the discussion on his Motion. If there be an Amendment, he replies at the close of the Debate thereon; and he may take part in the discussion upon subsequent Amendments, as an ordinary Member, but has no claim to close the Debate upon any subsequent Amendment by his Reply.

The inherent defectiveness that attends the practice of giving priority to an Amendment over the Motion, lies in the fact that if an Amendment be preferred to the Motion on which it is moved, the direct judgment of the Meeting is not taken on that Motion. The Motion is, indeed, practically negated by the acceptance of the Amendment, but it is not positively rejected, being only put aside, and not dealt with by a distinct Vote. This objection is not merely a theoretic objection: serious irregularity may arise owing to this method of procedure. A large and important General Meeting of Shareholders was, for instance, being held: the Question before them was the re-election of their Directors. The name of one of the Directors met with opposition, which was embodied in an Amendment moved to the Motion

for that Director's re-election, defining the special obligations that devolved on the Board of Direction. This Amendment, if the ordinary course of procedure was followed, would, if accepted, stand upon the Minutes of the Meeting in substitution for the Motion, "That Mr. — be re-elected;" and, as it happened, the Amendment was agreed to. No distinct Vote, however, having been taken on the Director's re-election, that Question having been only indirectly disposed of by the acceptance of the Amendment, it was held in Order that the Chairman should again propose, "That Mr. — be re-elected" a member of the Direction. The irregularity of this proceeding is obvious. The Resolution defining the responsibility charged upon the Direction of the Company could not, at this stage, have been considered by the Meeting save as an Amendment, and so, if accepted, it could only be adopted as a Substantive Resolution to the exclusion of the Motion on which that Amendment was moved. If this be not the case, no finality can attend the decisions of a Meeting that conducts Debate according to the popular mode of dealing with Amendments. Such a result cannot occur in the House of Commons under its adoption of this method of procedure; for the acceptance of a reduced Grant by the Committee of Supply absolutely determines the point at issue, and prevents, of necessity, any attempt to bring forward subsequently the original Grant.

CHAPTER X.

MOTIONS FOR ADJOURNMENT, AND THE "PREVIOUS QUESTION."

THE transaction of business may be interrupted by Motions for the Adjournment either of the Meeting, or of the Debate, or that the Chairman do leave the Chair, or by moving the "Previous Question."

The proposal of these Motions is, like the proposal of an Amendment, governed by the Rule forbidding more than one speech upon a Question. Motions for Adjournment, &c., cannot, therefore, during the progress of a Debate, be proposed or seconded by those who have spoken on the Motion that is before the Meeting, or who have moved or seconded an Amendment thereto. Nor can a Motion for Adjournment, &c., whilst an Amendment is under discussion, be moved or seconded by those who have spoken on that Amendment. These dilatory Motions are, also, out of Order if moved one upon the other; for instance, the Speaker has not allowed Members to move the Adjournment of the House on a Motion to adjourn a Debate, or the Adjournment of the Debate, on a Motion to adjourn the House.

The Rule that no one may speak twice to the same Question is just as operative whenever an Adjourned Debate is resumed, as it was **Rule 10.** New upon the day when the Debate was Questions. commenced; but so soon as a Motion for Adjournment has been proposed from the Chair, Members who have already spoken on the first Motion are at liberty to speak again, as a new Question has thereby been placed before the Meeting.

The object of the "Previous Question" is to withhold a Motion from the Vote, but without such interference to the course of business as is caused by Motions for Adjournment, or for the Chairman's leaving the Chair. Direct opposition, though in an indirect way, being the intention of the "Previous Question," it does not debar advocates or opponents, during the Debate that ensues upon that proposal, from entering fully into the merits or demerits of the Motion on which the "Previous Question" has been moved.

The "Previous Question" can only be moved when the Question upon a substantive Motion is before the Meeting, and cannot be moved upon an Amendment. Nor can an Amendment be offered to a Motion after the "Previous Question" has been proposed. But if an Amendment has been disposed of, either by withdrawal, or by the Vote of the Meeting, when the original Motion, in its first or in an altered form, is finally proposed from

the Chair, then it can be met by moving the "Previous Question."

The form offered for use is not that employed by the House of Commons. The writer has ventured to accept the guidance of a precedent recorded about 250 years ago upon the Journals of the House, as the ancient form is, for the following reason, to be preferred.

According to present usage, Members, who propose the "Previous Question," move that the Question which they oppose "be now put;" and then they vote against their own Motion. This is a perplexing method. The form tendered for adoption, namely, "That the original Question be *not* now put," in effect reverses the parliamentary form; it shows clearly the object of the Motion; those who move it vote "Ay," and those who oppose it vote "No."

It follows, accordingly, that the Original Motion must immediately be "now put," if the "Previous Question," put in the suggested form, be negatived. The Chairman, therefore, must put this Question to the Vote forthwith, without suffering further discussion, or the proposal of an Amendment or other Motion.

It will be noticed that the "Previous Question," if resolved in the Affirmative, does not absolutely reject the Original Motion; and the decision that it be *not now* put to the Vote might be nominally complied with, by taking an early opportunity of

renewing the Original Motion. Such an evasion of the intention of the "Previous Question" should not be permitted: the Original Motion should not be again proposed, prior to the commencement of a marked interval of time, analogous to another Parliamentary Session.

Motions for Adjournment, or, That the Chairman leave the Chair, and the "Previous Question," being formal Motions used for a certain and definite object, cannot be amended. When, however, Motions for the Adjournment of the Debate, or of the Meeting, not for the purpose of setting aside a Motion, but for its *bonâ-fide* postponement, are accepted, then a second Question arises, as to the moment when that proceeding shall be resumed; and this Question may be amended regarding the day or hour when the Debate shall be recommenced.

THE QUESTION PUT ON MOTIONS FOR ADJOURNMENT, &c.—A Chairman proposes Questions on a Motion for Adjournment, or for his leaving the Chair, so soon as such Motion has been moved and seconded, as a new Question, without any reference to the Motion then under debate:—

Chairman.—"The Question is, That this Debate (or the Meeting) be now adjourned:"—or, "The Question is, That the Chairman do leave the Chair."

THE QUESTION PUT ON THE PREVIOUS QUESTION.—The proposal of the "Previous Question" is prefaced with the words used in proposing an Amendment:

Chairman.—"The Original Question was this, 'That tenders be invited for the erection of a new Infirmary, &c.,' since which the 'Previous Question' has been proposed ;

The Question is, 'That the Original Question be Not now put.'"

And if no Debate occurs, the Chairman at once takes the Vote upon these Questions.

CHAPTER XI.

THE WITHDRAWAL OF MOTIONS, AND AMENDMENTS.

THE withdrawal of a Motion is thus obtained. The Mover of the Motion, rising before the Question thereon has been put from the Chair, proposes that the Motion be withdrawn, and it is desirable that this suggestion should be sanctioned by the Seconder. The Chairman then formally asks of the Meeting, "Is it your pleasure that the Motion be withdrawn?" And if no Member objects, the Chairman completes the withdrawal of the Motion by announcing that, "The Motion is, by leave, withdrawn."

Rule 12. Question fully put.

Rule 19. Motions withdrawn.

When Motions contingent upon an Original Motion, such as for its Amendment, or Motions for Adjournment, the "Previous Question," or "that the Chairman do leave the Chair," have been moved, with the consent, of course, of the Mover, the Chairman must first take the opinion of the Meeting, expressed in the manner described, regarding the withdrawal of such contingent Motion. Nor, until the contingent Motion has been withdrawn, can the Chairman propose the withdrawal of the Original Motion. If, however, the Amendment, or Motion for Adjournment, &c., be negatived, then the withdrawal of the Original Motion can be entertained.

CHAPTER XII.

COMMITTEE PROCEDURE.

DUTIES AND POWERS OF A COMMITTEE.—A Committee being a body endowed with delegated powers cannot act independently of its originating authority, or exceed the commission intrusted to it, or entrust its duties to others. The assistance of those who appoint the Committee is its legitimate function. And this assistance is generally rendered by the reception of evidence, the drafting of a document, or the consideration of papers referred to the Committee. The Report of such evidence, or document, accompanied, if need be, by Observations thereon, or of Resolutions based by the Committee on the papers laid before it, form the conclusion of the labours of a Committee and close its existence, unless it be a Standing Committee, or empowered to report from time to time.

The terms of the Order of Reference under which a Committee is to act should be drawn up with precision ; and such Order should, except in emergent cases, be considered on Notice given. According, also, to Parliamentary practice, Notice should be given by the Mover of a Committee of the names of the Members thereof, and Notice also is needful of names

to be offered by way of Amendment, in substitution for the Members named in the original Notice.

The Nomination of a Committee is obtained by the Chairman's reading aloud the names proposed for the Committee, pausing, if a name be challenged, to put that name as a formal Question for the decision of the Meeting.

The Quorum of every Committee is fixed by the House of Commons, though, as a rule, the choice of Chairman and the mode of conducting its transactions is left to the Committee; and the Legislature has, in these respects, followed the example of Parliament. The documents a Committee can consider, unless empowered to take evidence, are, however, subject to reference from the House; and the class or nature of the evidence to be received by a Committee, or the order of taking it, may be the subject of an Instruction, or be prescribed by the Order of Reference.

In accordance with the principle laid down by an ancient Parliamentary formula, that "no Committee can destroy a Bill," Committees cannot withhold from the Body that appointed it the result of its inquiry; and if the sittings of a Committee be brought to an untimely end by a Motion "that the Chairman do leave the Chair," the Committee can be revived, and instructed to complete the transaction enjoined by the Order of Reference.

RULES FOR THE APPOINTMENT OF COMMITTEES.—
If it be thought desirable to obviate doubt about

the organisation of Committees, Rules to that effect are supplied, drawn from Statutory Regulations on that subject.

1. The Board may delegate any of their Powers to Committees consisting of such Member or Members of that Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Board.

2. A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

3. A Committee may meet and adjourn as they think proper: Questions arising at any Meeting shall be determined by a Majority of Votes of the Members present and Voting on that Question; and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

4. The Quorum of a Committee shall consist of such Number of Members as may be prescribed by the appointing Authority; or, if no Number is prescribed, of Three Members.

PRACTICE IN COMMITTEES.—According to Committee practice Members speak sitting, as often as they please, and make Motions without a Seconder. The presence or exclusion of Strangers is within the

absolute control of a Committee; but, unless expressly so empowered, a Committee cannot exclude other Members of their Body, even during deliberation; though if a Committee desires to sit with closed doors, it is customary, as an act of courtesy, to defer to that opinion. A Report must be the act of the whole Committee. No signatures, therefore, should be affixed to a Report for the purpose of showing any division of opinion in the Committee; nor can it be accompanied by any counter-statement, or Protest from the Minority. If the Chairman signs a Report, it should only be by way of authentication.

TRANSACTION OF BUSINESS.—The following description of the routine of Select Committees of the House of Commons is taken from a Treatise drawn up by the late Mr. Charles Eales, when he filled the post of Principal Clerk of Committees.

CHOICE OF CHAIRMAN.—On the day of meeting, the first proceeding is to choose a Chairman. In this proceeding the analogous practice of the House in the choice of a Speaker is followed, the Clerk putting the Question, and directing the division in the same way as is done on that occasion by the Clerk of the House.

MODE OF PUTTING QUESTION.—The proper form for putting the Question, and recording the decision in the event of a difference of opinion in the choice of a Chairman, is as follows:—"Motion made (*Mr.*

), 'That Mr. *A.* do take the Chair of the Committee':—

Motion made (*Mr.*), 'That Mr. *B.* do take the Chair of the Committee':—

Question put (by the Clerk), 'That Mr. *A.* do take the Chair of the Committee':—

The Committee divided; Ayes, 7; Noes, 6.—Mr. *A.* took the Chair accordingly."

Where no difference of opinion occurs in the appointment of a Chairman, the Member proposed as Chairman is called to the Chair, without any Question being put.

WITNESSES SUMMONED.—The Chairman having been appointed, the Committee proceed to consider their course of proceeding, and to summon Witnesses for examination on a subsequent day, if they determine to hear evidence.

The Evidence being concluded, the Committee meet to consider their Report.

CONSIDERATION OF REPORT.—In the event of more than one Draft Report being proposed for the consideration of the Committee, the first proceeding is to enter at length on the Minutes, in the order proposed, each Draft Report as read a first time; after which a Motion should be made:—"That the Draft Report proposed by Mr. *A.* be now read a second time, paragraph by paragraph;" to which an Amendment may be moved to leave out the words "Mr. *A.*" and insert the words "Mr. *B.*," instead thereof: this

being disposed of, the Draft Report agreed to be taken into consideration is read a second time, paragraph by paragraph, Amendments being moved to each paragraph as the Report proceeds, and the question, "That this paragraph [as amended] stand part of the proposed Report," put after each paragraph has been gone through.

NEW PARAGRAPHS.—New paragraphs may be inserted, or proposed to be inserted, as the Report proceeds, each paragraph being proposed as an amendment to the Draft Report.

FINAL QUESTIONS.—Having concluded the consideration of the Draft Report, the final Questions put by the Chairman are, "That this Report [as amended] be the Report of the Committee to The House." "That the Minutes of Evidence taken before the Committee [together with an Appendix] be reported to The House."

WHEN COMMITTEES PROCEED BY WAY OF RESOLUTION.—Sometimes sets of Resolutions are proposed by several Members, instead of, or in addition to, a Draft Report, in which case the different proposed Resolutions are entered at length on the Minutes, as read, after which, each separate Resolution is proposed as a Substantive Motion—thus: "Motion made, and Question proposed, 'That it is the opinion of this Committee, that, &c., &c.,'" to which any Amendment may be proposed; and when all the Amendments have been disposed of, and the Question

put and agreed to, the Motion so agreed to becomes a Resolution of the Committee, and cannot be altered.

If, however, the various proposed Resolutions are essentially different in their nature, it is convenient for the Committee to take one set as a basis, and to move, "That the Resolutions to be proposed by Mr. A. be now taken into consideration," to which any Member may move an Amendment, by proposing to leave out the words "Mr. A." and to insert the words "Mr. B." This question having been decided, the Committee proceed with the particular set of Resolutions which it has been determined shall be considered.

RESOLUTIONS REPORTED.—The various proposed Resolutions having been disposed of, the final Questions are, "That these Resolutions be reported to The House:"—"That the Minutes of Evidence taken before the Committee [together with an Appendix] be reported to the House."

MINUTES.—Committee Minutes should follow the system adopted by the appointing Authority. The following are the Rules of the House of Commons on this subject.

"That the Names of the Members present each day on the sitting of any Select Committee be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to The House on the Report of such Committee.

That in the event of any Division taking place in any Select Committee, the Question proposed, the Name of the Proposer, and the respective Votes thereupon of each Member present, be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to The House on the Report of such Committee."

Remarks on the essential characteristics of Minutes in general will be found in the Notes on Procedure, p. 96.

CONSIDERATION OF A REPORT FROM A COMMITTEE.—When a Meeting is called upon to consider the Report of a Committee, the first step is to read aloud the Report, and this may be done either by the Chairman, or by some one upon his direction.

This stage is the formal first reading; its object is to make the Meeting acquainted with the contents of the Report, and is, therefore, a proceeding not open to debate or opposition.

The Report being thus placed in the possession of the Meeting, the next step is to ascertain whether it will accept the general principle embodied in the Report. The Chairman therefore submits that Question to the Meeting, by a Motion, "That the Report be read a second time," which he proposes from the Chair directly that the Report has been read, no Debate or Motion for Adjournment being suffered to intervene.

Upon the Motion that the Report be read a second time the general tenor of the Report is discussed; and that Motion is open to amendment, but only to relevant Amendments, opposing the general object of the Report, or recommending that the consideration thereof be postponed, or that it be recommitted, either to the former, or to another Committee.

When the Question, "That the Report be read a second time," is agreed to, opposition to its reception must cease; and the Report itself is placed before the Meeting for amendment. Discussion or procedure, therefore, must be directed strictly to that object; and, if deemed expedient, the Report may be again read aloud, paragraph by paragraph, to facilitate the proposal of Amendments thereto: such Amendments being restricted merely to the modification of the wording of the Report.

This opportunity having been afforded to the Meeting, the Chairman moves finally "That the Report (in its original or amended form) be agreed to." When this Motion has been put from the Chair no Amendment to the Report can be moved; nor can the Motion itself be amended.

And then, if the Report be agreed to, such Motions as are necessary to carry out its object, should be immediately submitted to the consideration of the Meeting.

RULES OF PROCEDURE.

1. CHAIR TO BE ADDRESSED STANDING.

A Member of a Meeting desiring to speak, must rise in his place and address himself to the Chair; and no interruption to his speech should be permitted, except upon a point of "Order" suddenly arising.

2. CHAIRMAN'S CALL TO SPEAK.

When two or more Members rise to speak, the Chairman calls upon the Member who first rose in his place; and Order is best maintained by acquiescence in the Chairman's decision.

3. MOTION THAT A MEMBER "BE NOW HEARD."

A Motion may be made that a Member, who has risen to speak, "be now heard."

4. MOTIONS TO BE IN WRITING, AND SECONDED.

All Motions and Amendments must be seconded; and, except formal Motions, such as, "That the Chairman do leave the Chair," Motions and Amendments should be handed to the Chairman in writing.

5. NO SPEECH SAVE TO A QUESTION.

No speech should be permitted save to a distinct Motion, either already submitted to the Meeting as a Question for deliberation, or to be submitted by the Member speaking.

6. SPEECH TO BE DIRECTED TO THE QUESTION.

Each Member who rises to speak must direct his speech to the Motion under discussion, or to a Motion or Amendment to be proposed by himself, or to a Question of Order.

7. NO SECOND SPEECH.

No Member may speak twice to a Question, except in explanation or Reply.

8. EXPLANATION ALLOWED.

A Member, who has spoken, may be again heard to clear up misunderstanding in regard to some material part of his speech; but he is not to introduce new matter, or to interrupt a Member who is speaking.

9. RIGHT OF REPLY.

A Reply is allowed to the Mover of a substantive Motion, but not to the Mover of an Amendment, of a Motion for Adjournment, "That the Chairman do leave the Chair," or of the "Previous Question." After the Mover has commenced his Reply no other Member shall speak to the Question.

10. NEW QUESTIONS.

Motions for Amendment, Adjournment, "That the Chairman do leave the Chair," and the "Previous Question," are New Questions; and Members who have spoken on the Original Motion may speak again, after such New Questions have been proposed from the Chair.

11. MATTER OF ORDER ARISING.

Upon a matter of Order suddenly arising, any Member may speak, if he does so as soon as possible, and commences by a statement that he rises to Order. The Member who was addressing the Meeting must thereupon resume his seat, and so, also, must the Member who rose to Order, when he has concluded his appeal to the Chair.

12. QUESTION FULLY PUT.

No Member may speak to any Question after the same has been fully put, that is to say, after the Question has been put from the Chair, and the Voices have been given thereon both in the Affirmative and the Negative.

13. ORDER OF AMENDMENTS.

Each Amendment to a Motion should be moved in the order in which, if agreed to, it would stand in the amended Motion.

14. AMENDED MOTIONS TO BE INTELLIGIBLE.

Every Amendment must be relevant to the Motion upon which it is moved, and be framed so as to form therewith an intelligible and consistent sentence.

15. NO AMENDMENT TO AN AMENDED PORTION
OF A MOTION.

No Amendment can be proposed to that portion of a Motion which is prior to a point where an Amendment has been made, or has been proposed from the Chair, unless the proposed Amendment be, by leave, withdrawn.

16. NO AMENDMENT TO WORDS AGREED UPON.

No Amendment may be made to words which it has been resolved shall stand part of, or be added to a Question, except by the addition of other words.

17. MOTIONS, &c., DECIDED, NOT TO BE RENEWED.

No Motion or Amendment may be proposed which is the same, in substance, as a Motion or Amendment which has been resolved in the Affirmative or Negative during the same sitting of a Meeting, or during such period of time as may by Regulation be prescribed.

18. WHEN PREVIOUS QUESTION NEGATIVED.

If the Previous Question be negatived, the Original Question is to be put forthwith, without permitting Amendment or Debate.

19. MOTIONS, &C., WITHDRAWN.

Motions and Amendments may be withdrawn, leave being granted without any Negative Voice, before the Question on the Motion or Amendment has been fully put.

20. CORRECTION OF ERROR IN VOTE BY SHOW OF HANDS.

In case of a misunderstanding among the tellers as to the number of hands held up during the Vote by Show of hands, a second Vote must be taken, unless such misunderstanding can be corrected by agreement between the tellers.

21. CHAIRMAN'S CASTING VOTE.

In case of an equality of Votes the Chairman must give the casting Vote.

22. ADJOURNMENT BY CHAIRMAN.

If disorder should arise, the Chairman, acting on his discretion, as a matter of right, can quit the Chair, and announce the Adjournment of a Meeting; and, by that announcement, the Meeting is immediately adjourned, and no business subsequently transacted will be valid.

23. AUTHORITY OF CHAIRMAN.

Deference should be paid to the Chairman's authority. Silence, also, must ensue, and all must remain sitting whenever the Chairman rises to speak, that his words may be heard without interruption.

NOTES ON PROCEDURE.

Election of Chairmen.—The selection of one out of several candidates can be effected by other methods than that adopted by Parliament. One is to present to the vote the names of all the candidates *en bloc*, and to reduce the number by successive divisions, the name of the person who received the lowest number of votes being struck out at the close of each division, until only one name is left for an ultimate decision. The Question for the election of the person whose name finally remains upon the list is then moved, seconded, and put from the Chair. Another mode of arriving at a single name for a final decision, is the presentation of the names of the candidates *seriatim* in alphabetical order; the vote is put upon each name separately, the one having the lowest number of votes is then struck out, and the process is repeated, until one name only is left upon the list.

Form of Proposing the Question.—Parliamentary phraseology is certainly old in fashion, and the form of Question, proposing that certain words “shall stand part of the Question,” is in itself a difficulty

to the unused. Suggestions have been made that the formula might be cast into a more intelligible shape; and if Chairmen cared to make the experiment, the following method is offered in aid to such an attempt:—

Chairman—"The Question I have to propose is that the words 'the Market Place of,' to which Mr. A. has objected, be retained in the original Motion."

Minutes of Proceedings.—The precise form in which the Minutes of a Board should be kept, and whether letters and other documents should be placed thereon, or entered upon detached appendices, are matters which may be left to individual experience, so long as an adequate method of arrangement and of cross reference be provided. The entries essential to a due record of procedure are as follow:—Resolutions in the precise form in which they were put from the Chair:—Every Question proposed, or put from the Chair, whether withdrawn, negatived, or superseded:—The names of those who voted, together with the number of the votes given upon each division:—The names also of those present at each division, who, if usage so permit, took part in the debate, but abstained from voting:—Chairmen's decisions upon matters of Order, and statements of their opinion regarding practice or procedure:—The day and hour upon which a postponed or adjourned proceeding is to be considered:—If a special form of notice of business

involving the appointment or dismissal of officers, or other important matter, is prescribed, the fact that such notice has been given should be recorded:—Indexes also to the Minutes and appendices must be kept up systematically, so as to form a complete annual register to the proceedings.

Protests recorded on the Minutes.—Protests by Members of a deliberative body, according to the practice of the sole authority upon the subject, the House of Lords, are concise and definite statements of the motives which prompted the votes of the protesting minority, either individually or conjointly. Protests, therefore, cannot be made against the formal reception of documents, such as Returns, or Committee Reports, or against statements contained therein, or by persons who, being present at a division, had abstained from voting. The period within which Protests are permissible should also be limited by express rule. Where no express rule exists, Protests must be handed to the Chairman or the Clerk before the conclusion of the Meeting, when the occasion that provoked the Protest took place. Members of a Royal Commission are by usage empowered to accompany their signatures to the Report with a statement defining the extent of their assent thereto. This power, however, is not possessed by a body that acts by a delegated authority, such as a Committee. Any mode by which a minority can qualify or thwart the authority of the

majority is not, in our opinion, to be recommended. The ingenious Mr. Selden even asserts in his "Table Talk" that "protesting is Foolish ;" and the practice should certainly not be permitted, save in deference to established regulation or settled practice.

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